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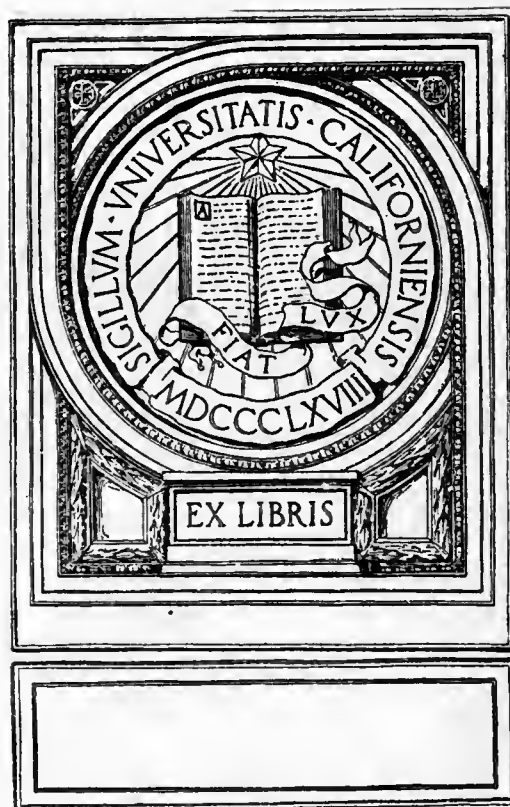
THE
SALE OF LIQUOR
IN THE SOUTH

BLAKEY

COLUMBIA UNIVERSITY STUDIES IN
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THE SALE OF LIQUOR IN THE SOUTH

The History of the Development of a Normal Social
Restraint in Southern Commonwealths

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PREFACE

THIS work owes its origin to a suggestion which came to the writer from his instructor, Professor Franklin H. Giddings of Columbia University, while pursuing graduate courses of study in that institution.

Within a period of less than seven months four state legislatures in the South had passed state prohibition laws.¹ At that time the American people were awakening to the fact that they were about to witness, as they supposed, another "wave of temperance" sweep over the country. Popular magazine writers were vying in their efforts to find an explanation for what seemed to them a marvelous change in temperance sentiment that had taken place in the South within a short period of time. They told the story in parts, presenting a hazy, if not confusing picture. So many and so varied were the causes suggested for the general adoption of state prohibition, and so little constructive and authoritative work had been done that it was not long before it became apparent that a well-defined problem was presented. Some time elapsed, however, before it became evident how large was the task that has required several years of research.

This study is a part of a wider investigation the writer is making. Fourteen southern commonwealths² furnish the field for the problem as defined and pre-

sented at this time. It is the hope of the writer that he will be able to finish later studies of the other parts of the country, following the general lines pursued in the present work.

Statistics compiled from the United States Census Reports, from the Reports of the different state departments of the southern commonwealths and from the county local-option elections together with statutory enactments assembled from the Session Laws of the same commonwealths have been the most important sources for the material used in this study, and librarians and their assistants have been a constant source of support. Thanks are due to the officers of the following libraries: The Library of Congress, the New York Public Library, the New York Lawyers' Club Library, the Columbia University Library, the Boston Public Library, and the Massachusetts State Library. Officials and private persons in nearly every part of the country, who have responded to questions as to facts, have contributed materially to this study; and special obligation is due Professor Frederick J. Turner of Harvard University, and Professors Henry C. Metcalf and George F. Ashley of Tufts College for very valuable suggestions and criticisms in the later stages of the study, and Mr. Clarence W. Foss of Tufts College, for assistance in connection with the maps.

LEONARD S. BLAKEY.

WINCHESTER, MASS., *April*, 1912.

land, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, West Virginia.

¹ The laws were approved on the following dates: Georgia, August 6, 1907; Alabama, November 23, 1907; North Carolina, January 31, 1908; Referendum election held May 26, 1908; Mississippi, February 19, 1908.

² Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mary-

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CHAPTER I

THE STATEMENT OF THE PROBLEM

LORD KELVIN, in a lecture delivered May 3, 1883, observed that "No real advance could be made in any branch of physical science until practical methods of numerical reckoning of phenomena were established."¹

Some sixteen years later Professor Henry W. Farnam asserted that, "The same remark applies with equal pertinence to social science." "We can make no advance," he continued, "until we can measure our phenomena in such a way as to be able to institute fair comparisons between different times, different places, different classes of individuals."² Professor Giddings finds social phenomena to be of the nature which preëminently call for precise or quantitative study by the statistical method. Their nature is such that they can be handled as are the facts of other sciences.

The halting pace of progress in the social sciences can be largely, "attributed to our failure hitherto to comprehend a great process of social evolution which has been going on under our eyes, and which already has been numerically described in statistical reports, the full significance of which we have not yet quite apprehended."³

Through the discovery of such a field of untouched material this study became possible. The inquiry has been especially difficult from the fact that detailed information had never been collected.⁴ The data necessary for the present investigation had, therefore, to be specially gathered. The difficulty of the problem, however, has not prevented a full summary of the whole field of statutory legislation in the fourteen commonwealths from the beginning to April 1, 1912.

The inquiry resolves itself into the following questions:

1. How have southern commonwealths dealt with the sale of intoxicating liquors?

2. Why have they abandoned the saloon as a distributing agency over so great an extent of their territory?

3. Has the dispensary eliminated the difficulties experienced with the saloon?

4. Is it probable that the South will allow the enforcement of local and state laws to be hindered by federal law?

5. Finally, has the presence of the negro in the South been the chief cause for bringing about state prohibition?

In approaching the solution of these problems the writer has endeavored to free his mind from any preconceived bias; he has refused to take any position that could not be established by facts gained in an inductive study.

First the writer sought to ascertain the actual extent of the no-license area in the prohibition commonwealths and those contiguous to them, prior to the enactment of the state prohibitory laws. Only fragmentary data had been collected for counties prior to the organization of the State Anti-Saloon Leagues. Early in 1908, requests were sent to the Superintendents of the State Anti-Saloon Leagues of the United States for facts as to the distribution of no-license counties on January 1, 1904, and the changes that had taken place since that date. This data was presented in a map, which was first published in the *Circle Magazine*.⁵ The map later appeared in the *Anti-Saloon League Year Book for 1909*. This map showed that the prohibition movement in the South could not possibly have been of cataclysmic character as other temperance movements have been. It rather indicated that it was the culmination of a long period of development confined to southern territory and more particularly to the Lower South. Leaving out of consideration Oklahoma and Indian Territory, both territories at that time, and Kansas, a prohibition state since 1880, the no-license area was almost completely confined to the territory south of the Ohio River and of the State of Missouri. The problem from this point was to trace the no-license area back to beginnings, if such could be found.

¹ Lecture on "Electrical Units of Measurements" at the Institution of Civil Engineers, reported in *Nature*, vol. xxviii, p. 91.

² "Some Economic Aspects of the Liquor Problem", *Atlantic Monthly*, vol. lxxxiii, p. 644 (May, 1899).

³ "Social Self Control", *Political Science Quarterly*, vol. xxiv, p. 580-81 (December, 1909).

⁴ Three studies had been made of the movement in three different commonwealths. These did not treat the subject along the lines pursued in this study, but fortunately contained facts which could in two cases be used as sources. These studies are: H. A. Scomp, *King Alcohol in the Realm of King Cotton* (Chicago, 1888); H. A. Ivy, *Rum on the Run in Texas* (Dallas, 1912); and W. H. Patton, "Prohibition in Mississippi," in *Mississippi Historical Series*, vol. x, p. 181.

⁵ The *Circle Magazine* (New York), 1908.

Statutes and official reports are the important sources for this study, and the results arrived at, are based upon a summary from the facts thus collected. This unwieldy mass of statutory material has been presented by means of maps and charts in the belief that it may be more intelligible to the general reader than it would be in the form of a series of extended catalogues of statutory enactments. For the student interested in a more in-

tensive study of the prohibitory movement in the South, the detailed list of statutes and official reports from which most of the data for this study was collected is found in Table VI., p. 51. In Table II., p. 42, is presented in tabulated form the legislation in reference to the liquor traffic for four counties as it was taken from the Session Laws.

CHAPTER II

PROGRESS IN THE REPRESSION OF THE SALOON

THE legalized distributing agency for alcoholic liquors in the South up to 1891¹ was the saloon. A history of the repression of the liquor traffic chiefly involves therefore the methods used to repress this sale of intoxicating liquors at retail. In the present chapter we shall confine our attention to the history of the legislation in regard to the saloon. A history of the dispensary as an agency for the distribution of alcoholic liquors will be given in Chapter III.

DESCRIPTION OF DATA

Table I embodies a summary of the progress of liquor legislation in the fourteen southern commonwealths. The first step in the movement directed toward the repression of the saloon, as will be seen by Item No. 1, was to distinguish the sale of intoxicating liquors from other transactions as a traffic worthy of a higher discriminating tax. The increase in the amount of the tax has been gradual in every commonwealth, until in later years the license tax became prohibitive in sparsely settled localities.

Of more importance for our problem, however, are the early dates and the character of the first no-license areas as indicated in Item No. 2, Table I. A better example of a general country-wide "like-response to the same stimulus," absolutely unaffected by imitation or any extraneous force cannot be found. We have here a situation of first importance in the interpretation and explanation of the steady growth of no-license area in southern commonwealths. Localities in order to gain prohibition, petitioned the legislatures to pass special acts prohibiting the sale of intoxicating liquors within the areas specified in their petitions. An area thus defined by legislation was generally a circle, measured in miles radius from a particular point. No-license area gained in this way will be termed "local-prohibition-through-special-legislation."

Item No. 3, Table I shows that about the period of the origin of these special acts, and even earlier in Mississippi, the legislatures referred proposed local-prohibition measures to the people for decision at the polls. Local-prohibition-through-special-legislation with the referendum article affixed as a second method of legislation, we

shall term "optional-prohibition-through-special-legislation."²

Prohibition gained by either of these two methods was local *prohibition*, not local *option*. Local option implies merely the *right* of popular vote;³ it does not imply an actual *exercise* of the right.⁴ Between local prohibition and local option the popular mind does not distinguish. The two terms are practically synonymous in the minds of most people, but the distinction is vital. In "local-prohibition-through-special-legislation" there is no option. In "optional-local-prohibition-through-special-legislation" there is no option, once the referendum vote is taken. In either method there is no prospect of reversal after one, two, three or four years. With local option the conditions are different. A constant right of popular decision at the polls is given. There are restrictions upon this right. The elections cannot recur more often than specified periods⁵ and they are limited naturally to civil divisions. Items Nos. 2, 3, 6, 7, 8, 9 and 10 of Table I, show that as time progressed there was a general tendency toward the increase of the area involved in the election. Plates Nos. 1, 2, 3 and 4 show the size and the number of the prohibition areas involved at the various periods. On these plates we may see to what effect the method of local-prohibition-through-special-legislation was used in the South.

The conflict in the liquor fight is more acute and far-reaching than in most of the spheres of human interest which government has entered. This strife is constantly aggravated by the continual recurrence of local-option elections. The administrative efficiency in enforcement is generally one of decided laxness after the passage of a local no-license ordinance by a narrow majority. These

¹ The history of the use of these two methods in gaining prohibition in two typical counties of each of the two commonwealths which depended largely upon this method, is given in the Appendix to this chapter.

² Following Rowntree and Sherwell, *The Temperance Problem and Social Reform* (London, 1899), p. 25.

³ For example, since 1890 one hundred and fifty-five county local option elections have been held in Michigan. During this period sixty-nine counties have voted on license. The other fourteen counties have never exercised this right.

⁵ For example, in Michigan, two years; in Missouri, four years.

¹ Item 13, Table I.

difficulties are largely avoided with the local-prohibition method of legislation. "A county or town cannot be moved by some transient, local, personal, or political pressure to reverse its prohibition status.¹ It needs a state legislative enactment for that, and the great majority of the representatives in the legislature would jeopardize their political lives by championing such a measure."² The officials from Governor to constable would be known as prohibitionists under another type of anti-liquor legislation. No party, no society,³ no organization of any kind can claim credit for originating the plan of local-prohibition-through-special-legislation or for developing it. As a study of Plate No. 1 shows, it evolved out of experience.⁴

EXPLANATION OF THE PLATES

The fourteen southern commonwealths comprising the territory bounded on the north by the Commonwealths of Oklahoma and Missouri, the Ohio River and the Commonwealth of Pennsylvania were chosen for this study because in every commonwealth the method of local-prohibition-through-special-legislation was em-

¹ The possibility of neglecting to fully appreciate the significance of the use of the repeal in this special-local-legislation method of the South has been kept constantly in mind in the prosecution of this study. Mississippi was the first commonwealth to be investigated. After the special laws had all been collected it was found, in plotting the areas upon a map, that the repeals were quite evident in the period from 1865 to 1875. In this period local prohibition was granted to nine (9) areas of one mile radius, twenty (20) areas of two miles radius, eighteen (18) areas of three miles radius, two (2) areas of four miles radius, fifteen (15) areas of five miles radius, and to one county. During the same sessions local prohibition was repealed for three (3) areas of one mile radius, four (4) areas of two miles radius, two (2) areas of three miles radius, one (1) area of four miles radius, five (5) areas of five miles radius, and for one county.

This was without question the most active period of repeals in the history of any of the fourteen commonwealths. Since this period fell within the "Carpet-Bag Period" of Mississippi, it was suggestive in the early stages of the study, but it amounted to no more than a suggestion. It might be well to add that in the first year of the "reconstruction" legislature (1876) local prohibition was granted to five (5) areas of one mile radius and four (4) areas of two miles radius. In the same period local prohibition was repealed for four (4) areas of one mile radius, six (6) areas of two miles radius, four (4) areas of three miles radius, and five (5) areas of five miles radius. The repeal is of little significance in the prohibition movement in the South.

² H. A. Scomp, "Local Prohibition," in the *National Prohibitionist*, April 9, 1908, p. 10.

³ Item No. 12 of Table I and Plate No. 3 shows what had been accomplished before the public temperance education movement began.

⁴ In commenting upon the prohibition movement editorially, the Greenwood, S. C., *Index* stated in August, 1909, that the movement had "been a great solid movement of the people without the aid of a leader. . . . The thing resolved itself into shape. 'Time brought it forth, the numbered months being run.'"

ployed as a method of repressive liquor legislation.⁵ This method is peculiar to the South. The record of the growth of no-license area under this method of legislation in the fourteen commonwealths is plotted by means of circles on Plates Nos. 1, 2, 3 and 4. The data used in the construction of the circles was compiled from the Session Laws of the different commonwealths.⁶

The legislation of the optional-no-license type could be traced only in so far as indications of the results of the referendum elections appeared in the Session Laws. This accounts for the fact that Georgia, a commonwealth fully abreast of her neighbors in this movement, but one which employed the second type of no-license legislation (optional-prohibition-through-special-legislation), seems, as is indicated on Plate No. 1 and to some extent on Plate No. 2, to be lagging behind in her efforts to rid her territory of the saloon.

The no-license areas indicated by circles on Plates Nos. 1 to 4 are accurately located within the county. The area within the circles, then, is actual no-license territory, and the area within the county not enclosed within a circle is license territory.

The reasons for indicating the density of the negro population are given in Chapter V. In the same chapter are found the reasons for choosing January 1, 1868, as the date for the first map.

Item No. 6, Table I, shows that on January 1, 1877, the date of second map, five commonwealths had general township local-option laws on their statute books, while nine had none. This date marks approximately the time, so far as it can be determined, of a general adoption of local option as a new method of legislation supplementing the special-legislation policy. The special-legislation method was so generally used and demands for local prohibition were so many, that the new method was introduced largely to do away with the excessive amount of legislation which tended to block the progress of the usual legislative enactments.⁷

⁵ See Item No. 2, Table I.

⁶ A detailed list of the sources used for this study will be found in the General Appendix.

⁷ For example, in North Carolina in two annual sessions, the session in which the general township local-option law was enacted and the session previous to it, the legislature granted local prohibition to forty-three (43) areas of one mile radius, ninety-three (93) areas of two miles radius, three (3) areas of three miles radius, and fifty-four (54) areas of four miles radius, making a total of 3961-5/7 square miles. During these same two sessions optional local prohibition was granted to fifteen (15) areas of one mile radius, thirty-nine (39) areas of two miles radius, and five (5) areas of three miles radius, making a total area of 678-6/7 square miles and an aggregate area of 4640-4/7 square miles. During these two sessions local prohibition was repealed for one area of one-half mile radius, one area

A similar analysis with reference to the county local-option laws determines the date for the map on Plate No. 3 as January 1, 1887. Plate No. 3 will be found to show the progress that was made in extending the no-license area by the two methods, special legislation and township local option.

Whenever the repeal of a special legislative act changed the area to license during the interval between the dates of two successive maps the area is not shown as no-license. When the local-prohibition ordinance of an area has been repealed the area does not appear as a no-license area on a date succeeding its repeal.¹ To be represented on the map the ordinance must be in force upon the date of the map. Local acts, enacted and later repealed, in a period intervening between two successive maps would require other indication and the limited number of these short-time prohibition enactments did not justify this further complication of the data on the maps.

Plate No. 4 shows the distribution of the no-license areas previous to the enactment of the state prohibitory laws for the prohibition commonwealths and on April 1, 1912, for the other commonwealths. In the former, the feathered boundaries indicate the counties in which the sale of liquor became illegal through the state prohibitory enactment; in the latter, the counties in which the sale of liquor was legal on April 1, 1912.²

The sources for the data showing the extent of the no-license area as indicated by circles and double county boundary lines for January 1, 1868, January 1, 1877, January 1, 1887, and April 1, 1912, as shown on Plates Nos. 1, 2, 3, and 4, respectively, will now be indicated in the order of the commonwealths.³

of one mile radius, one area of one and one-half miles radius, and two areas of two miles radius.

In Texas, in the two annual sessions of the legislature preceding the enactment of the township local-option law, the legislature granted local prohibition to seventy-eight (78) areas of two miles radius, three (3) areas of four miles radius, and seven (7) areas of five miles radius, making a total area of $1681\frac{3}{7}$ square miles. In these sessions only one act of repeal was passed. This repealed a local-prohibition act for an area of two miles radius.

¹ Since it is impossible to get the data for any of the Plates, the no-license area gained by means of township local-option elections is out of the question except as the county became no-license through township local-option elections. These counties were obtained from the State Reports. See foot-note no. 3.

² North Carolina is excepted from this rule. Sale of liquor was legal in that state at the opening of the prohibition *regime* in counties with the single boundary as well as those with the feathered boundary. The counties with the single boundary voted in favor of the prohibitory law. Those with feathered boundary voted against the measure.

³ In reply to requests for statements concerning the authenticity of the data contained in the Reports of their departments, the Auditors of the following states courteously responded, assuring me that the Reports could be safely followed for no-license data: Alabama, *Letter of January 17, 1910*; Georgia, Comptroller General, *Letter of December 23,*

ALABAMA

The Auditor of State classifies the licenses beginning with the fiscal year of October 1, 1883 as Exhibit V: (a) Retailers of Liquors; (b) Wholesale Liquor Dealers, *etc.* In the Session Laws are indicated the dates on which the counties represented as no-license in this Report became no-license area.

The Session Laws are the source for the data on Plates Nos. 1 and 2. The Session Laws and the Auditor's Reports furnish the data for Plates Nos. 3 and 4. The data for the situation on April 1, 1912 was kindly furnished by the State Anti-Saloon League.⁴

ARKANSAS

Schedule No. 23 in the Biennial Report of the Auditor of State for 1878-1880, in "Statements showing the amounts paid to the State Treasury by the County Collectors and Treasurer on account of the sinking fund for the two years ending Sept. 30, 1880," indicates that every county in the State paid a liquor license. I assume, therefore, since no special legislation gives evidence to the contrary, that there were no no-license counties on either January 1, 1868, or January 1, 1877. The Secretary of State records in the Biennial Reports the vote by counties of the biennial elections-on-license.⁵ These Reports and the Session Laws are the basis for the location of the no-license areas in Arkansas as indicated by circles and by double county boundaries on Plates Nos. 3 and 4.

FLORIDA

Florida voted on the County Local-Option Law as an amendment to the Constitution on November 2, 1886. The amendment was adopted. Repressive liquor legislation had secured up to this time no no-license counties. The no-license counties were sparsely settled and could not support a saloon.⁶ The list of license counties for April 1, 1912 was kindly furnished by the Comptroller of State.⁷

GEORGIA

Beginning with the fiscal year of November 1, 1883, the Comptroller General includes the county liquor tax in his Report as Table II, Liquor Tax. These Reports with the Session Laws are the basis for the no-license

1909; Mississippi, *Letter of November 24, 1909*; Tennessee, Comptroller of Public Accounts, *Letter of January 15, 1910*; Virginia, *Letter of October 8, 1908*; West Virginia, *Letter of August 18, 1911.*

⁴ *Letter of April 12, 1912.*

⁵ See Item 8, Table I.

⁶ For example, Wakulla County, upon authority of the County Clerk, *Letter of September 1, 1911.*

⁷ *Letter of April 13, 1912.*

counties of Georgia as indicated by the double boundaries on Plate No. 3, and for the license and the no-license counties as indicated by the feathered and double boundary lines respectively for Plate No. 4 (January 1, 1908).

In Chapter XLIX of *King Alcohol in the Realm of King Cotton*,¹ entitled "Present Status of the Counties of Georgia" is found a summary of the results of the county local-option elections up to 1887. This source is also used for the no-license counties in Georgia on Plate No. 3. The data for the maps of Georgia on Plates Nos. 1 and 2, showing the distribution of no-license areas was secured from the Session Laws alone. The data for the counties on Plate No. 4 was verified by Mr. J. B. Richards of the State Anti-Saloon League.²

KENTUCKY

Kentucky legislatures have consistently adhered to the local-prohibition-through-special-legislation policy. The optional type of local prohibition has been used generally with the county as a unit. For example, in 1881 twelve counties were granted the permission to vote on license. The Reports of the Auditor of Public Accounts beginning with the fiscal year of October 1, 1868, give the number of liquor dealers in the counties.

The sources for the data indicated on Plates Nos. 2 and 3 were the Session Laws and the Auditor's Reports. The Auditor of Public Accounts³ and the Anti-Saloon League⁴ furnished the data for Plate No. 4.

LOUISIANA

In Louisiana there are no official reports from which data can be obtained. The Auditors of State in their reports group all the parish occupation licenses together. Whether or not there were no-license parishes on or before January 1, 1887 could not be determined. The Session Laws are the sources for the location of the no-license areas.

The data for Plate No. 4 was kindly furnished by the State Anti-Saloon League.⁵

MARYLAND

Maryland, like Kentucky, has followed the policy of optional - local - prohibition - through - special - legislation consistently for the county, while quite generally granting no-license to smaller areas by local-prohibition-through-special-legislation.

¹ Henry A. Scomp, *King Alcohol in the Realm of King Cotton* (a history of the liquor traffic and of the temperance movement in Georgia from 1733 to 1887). Chicago, 1888.

² Letter of April 16, 1912.

³ Letter of April 11, 1912.

⁴ Letter of April 3, 1912.

⁵ Letter of November 21, 1911.

The Comptroller of the Treasury has published the county liquor tax in his Report since the fiscal year beginning December 2, 1851. *The Baltimore Sun Almanac* has been a very valuable source of information. For nearly twenty years the *Almanac* contained the precinct votes of the elections-on-license, and a list of the no-license counties for the first of each year.

MISSISSIPPI

The Auditor of Public Accounts has published in his annual report since 1872 the county tax, "License to Retail." The Session Laws and the Reports of the Auditor are the sources for the data for Mississippi given on Plates Nos. 2, 3 and 4. The Session Laws are the sources for the data on Plate No. 1.

NORTH CAROLINA

Since reliance could not be placed in the tables found in the Reports of the State Auditor⁶ for the data for the counties of North Carolina, the Session Laws are the only source for Plates Nos. 1, 2 and 3.

North Carolina did not cease to employ the local-prohibition-through-special-legislation method upon the adoption of general local-option laws.⁷ In many of the counties the method was carried to the extent that the aggregate no-license area exceeded that of the county. In this commonwealth it was impossible then to locate accurately on Plate No. 4 the no-license areas. The circles, while drawn to correct scale, are arranged within the county without reference to the correct location. No more circles are added after the county is covered. In the western one-third of this commonwealth on Plate No. 4 the circles are arranged schematically. The State Anti-Saloon League furnished the data for Plate No. 4.⁸

The counties with feathered boundary lines and the counties with single boundary lines were those within which the sale of intoxicating liquor became illegal with the opening of the state-prohibition *régime*. The former voted against the law; the latter voted in favor of it.

SOUTH CAROLINA

South Carolina has used the local-prohibition-through-special-legislation method for local areas and for counties. Since the opening of the dispensary *régime*, the optional - local - prohibition - through - special-legislation method has been used for the county.

The data contained in Plates Nos. 1, 2 and 3 was com-

⁶ State Auditor, Letter of January 12, 1910.

⁷ Cf. Plates Nos. 2, 3, and 4.

⁸ Letter of March 5, 1912.

piled from the Session Laws. The Report of the Dispensary Auditor for 1911 is the authority for the dispensary counties as indicated on Plate No. 4.

TENNESSEE

Tennessee has used a modified form of optional local prohibition. Item No. 10, Table I, enumerates these general acts. Act No. 112 of 1871 prohibited the sale of liquor within six miles of any iron manufactory not located in an incorporated town. Act No. 23 of 1877 was the first general optional prohibition enactment. An institution of learning not within the limits of an incorporated town could, through incorporation, prohibit the sale of liquor within a radius of four miles, and Act No. 31 established the same conditions for any mine, quarry, furnace, rolling mill, foundry or factory. The radius of the area was five miles.¹ Act No. 167 of 1887 prohibited the sale of liquor "within four miles of any school-house, public or private, where a school is kept, whether the school be then in session or not." Section 2 provided that the act should not apply to the sale of liquors within the limits of incorporated towns. Act No. 221 of 1899 amended this section making it possible for towns with a population of less than two thousand to remove through re-incorporation the restrictions of Section 2. Act No. 2 of 1903 further amended the section by substituting "five thousand" for "two thousand" in the Amendment of 1899, and later Act No. 17 of 1907 substituted "one hundred and fifty" for the "five" of the previous amendment. Finally, the State Prohibitory Law prohibited the sale of liquor within four miles of any school-house in the commonwealth.²

The Session Laws and the Reports of the Comptroller of Public Accounts are the sources for the data for Tennessee on Plates Nos. 1, 2, 3 and 4.

TEXAS

The Session Laws are the sources for the data on Plates Nos. 1 and 2. In the case of *Robertson v. The State*,³ the court ruled that a local-option election resulting in conflict with another act regulating the sale of liquor annulled the latter act. The no-license local areas could not be definitely determined, therefore, for Plates Nos. 3 and 4. Mr. H. A. Ivy, author of *Rum on the Run in Texas*, kindly furnished the county data for Plates Nos. 3 and 4.⁴

¹ Section 8.

² Act No. 1 of 1909.

³ 5 *Tex. App.*, 155.

⁴ Letter of March 26, 1912.

VIRGINIA

The Auditor of Public Accounts begins with the fiscal year of October 1, 1874, to indicate the county "License Tax assessed upon Liquor Merchants."

The Session Laws were the sources for the data indicated on Plate No. 1. The Session Laws and the Reports of the State Auditor of Public Accounts are the sources for the data on Plates Nos. 2, 3, and 4. The county data for Plate No. 4 were verified by the State Anti-Saloon League.⁵

WEST VIRGINIA

The State Auditor begins with the fiscal year of May 1, 1885, to classify among the "License Taxes" the county tax on wholesale and retail liquor dealers.

The Session Laws and these Reports are the sources for the data for West Virginia on Plates Nos. 1, 2, 3, and 4. The list of no-license counties on April 1, 1912, was verified by the State Anti-Saloon League.⁶

The sources of data have now been presented. These data form the background for the investigation and enable us to trace the growth of the no-license area from its inception in 1835 down to April 1, 1912. This growth has been largely the progress of the abolition of the saloon. The sale of intoxicating liquor has not ceased, however, with the enactment of prohibitory laws. A serious hindrance to the enforcement of the laws, no matter by what means their enactment had been accomplished, must be taken into account. The illicit sale of liquor has always been a problem for the no-license community. This is not because legislative enactment has been contrary to local sentiment. The community has been powerless in the face of federal law. Conditions in the local community could not modify the situation. It is of a general nature and beyond the direct control of the local community. The history of the efforts of prohibition communities and commonwealths to get relief at the hands of Congress will be treated in a later chapter.

Furthermore, a second form of legalized sale of intoxicating liquors distinct from the saloon has been instituted in the South. Over a wide area in a total of one hundred and forty-two counties in five different commonwealths, the dispensary has been established as a substitute for the saloon. To-day the dispensary exists in sixteen counties. To the history of this American experiment with a modified Scandinavian method of public control over the liquor traffic, we turn in the next chapter.

⁵ Letter of March 12, 1912.

⁶ Letter of February 21, 1912.

CHAPTER III

THE DISPENSARY MOVEMENT IN THE SOUTH

THE second and only other form of a legalized distributing agency for alcoholic liquors established in the South is the dispensary.¹ One entire commonwealth and both counties and municipalities in four other commonwealths upon reaching the conclusion, either that the liquor traffic could not be entirely suppressed, or that further efforts to make the regulation of private dealers entirely effectual were useless, have excluded the private dealers completely from the field of trade in intoxicating liquors. As an alternative the government has, itself, entered. The dispensary has become, in some localities, a substitute for local prohibition; in others, a substitute for the saloon, and in a very few others the competitor of the saloon.² The dispensary is a store where alcoholic liquors of all ordinary kinds and of assured purity are sold under public authority, in quantities of not less than one-half pint in bottles (or other sealed packages) not to be opened on the premises; no sale being allowed on credit, or to minors, or drunkards, or between sunset and sunrise, or on Sundays.

The dispensary movement in the United States originated with the Georgia legislature. In the session of 1891 it granted to the college town of Athens in Clarke County a local dispensary system.³ Clarke County in a

¹ Excepting of course the pharmacy.

² A number of counties in the South established dispensaries without abolishing all of the saloons within the county. As a general rule, a municipality seldom retained the saloon upon establishing the dispensary. Few dispensaries have competed directly with the saloon in the same locality.

³ At this time and for several years later, many students of the liquor problem had advocated the company system, which originated in Gothenburg, Sweden, and had been adopted in numerous cities of Sweden, Norway and Finland, as the best substitute for the saloon. The company system's trial in Scandinavia had shown it, as they contended, "to be the most successful system yet devised where licensing prevails and that it represents a distinct step in political as well as social progress." The fundamental idea of this system of liquor licenses is the conduct of the retail traffic without financial reward other than ordinary interest upon the capital invested, and the regulation of the sale by public authority in such a manner that drinking is discouraged and the saloon is purged of gambling and immorality. Under a general system of local option, which allows prohibition where it is wanted, individual communities have also the choice of giving a company of substantial citizens the monopoly of the sale of spirits. The sale is subject to the condition that all profits in excess of a low rate of interest on their company's investment shall accrue to public welfare.

county local-option election in 1885 had voted for prohibition, and this vote had not been reversed. The first dispensary was a substitute for county prohibition. This dispensary had not been established two years before it became the suggestion for wider trial. In South Carolina at this time the situation was ripening for state prohibition. Six counties had already gained prohibition through special legislation.⁴ In 1891 numerous petitions favoring prohibition were presented to the legislature.⁵ The lower branch of the legislature passed a measure by a vote of fifty-three to thirty-seven, but the bill was killed in the Senate. It was agreed, however, in the convention preceding the state campaign of 1892 to take a popular vote on prohibition by special ballot in the elections of that year. Prohibition received a majority of some ten thousand votes out of a total vote of seventy thousand.

The vigorous and aggressive governor in his message of that year, interpreted this vote, "though submitted to the people as an abstract proposition without any definite legislation being indicated" and receiving "a majority of the votes cast on that subject, although not a majority of the total votes cast," as indicating "a wish on the part of a large number of our people that there should be some restrictive legislation in regard to the liquor traffic."⁶ The problem demanded solution. "Granting the possibility of doing something towards abolishing the nuisance of bar-rooms," he continued, "I would call your attention to the law now in force at Athens, Georgia, by which a dispensary for the sale of liquors is provided and which after trial is pronounced a success by the prohibitionists themselves." This was a possible avenue of escape from state prohibition. The legislature enacted the Dispensary Law—the only commonwealth dispensary law ever enacted in the United States.

EXPLANATION OF PLATE NO. 5.

Plate No. 5 shows the distribution of dispensaries by counties in southern commonwealths. These counties as shown on the map are of two classes: first, the coun-

⁴ *Message of Gov. Tillman*, November 20, 1893. *Senate Journal*, p. 42.

⁵ *House Journal*, 1891, p. 238.

⁶ *Message of Gov. Tillman*, November 22, 1892. *Senate Journal*, p. 24.

ties which abolished the dispensaries by local means, *i. e.* the repeal of special acts or through local-option elections;¹ second, the counties in which the dispensaries are still in operation, or in which they were abolished by the state prohibitory law.

The sources for the data on Plate No. 5 showing the distribution of dispensaries by counties in the five southern commonwealths will now be given.

ALABAMA

Since the Report for the fiscal year ending September 30, 1900, the Auditor of State has classified the licenses issued to dispensaries. Prior to the enactment of the county local-option law in 1911, all dispensaries were gained by special legislative acts, in some cases with the referendum clause attached. The Session Laws and the Auditor's Reports, then, are the sources for the data.

GEORGIA

In the Reports of the Comptroller General, saloon and dispensary licenses are classed together as "Liquor Tax." All dispensaries were established by special legislative acts.

The Session Laws and the Reports of the Comptroller General are the sources for the data.

NORTH CAROLINA

For six successive fiscal years, beginning with December 1, 1899, the Auditor of Public Accounts gives, as Statement D, "Dispensary Tax on Receipts." The Reports are authentic sources.² The dispensaries were established by special acts before the enactment of the county local-option law of 1903. The reports cover the special-legislation period and the early part of the local-option period. Mr. R. L. Davis, of the Anti-Saloon League, kindly furnished the data for the final date.³ It is probable, then, that the sources covered the field.

SOUTH CAROLINA

Governor Ellerbe stated in his message of January 11, 1899 that Marlboro County had never established a dispensary.⁴

The Fifth Annual Report of the Dispensary Auditor, 1911, furnished the data for April 1, 1912.

VIRGINIA

In Virginia dispensaries were established by special acts, generally with the referendum clause affixed. The

Auditor of Public Accounts has classified, since the fiscal year ending September 30, 1901, in his Annual Report under Table No. 5, "Receipts from Dispensaries."

The sources for the data are, then, the Session Laws and the Reports of the Auditor of Public Accounts.

The sources for the data presented on Plate No. 5 have now been covered. Item No. 13 of Table II shows that the first dispensaries in North Carolina, Alabama, and Virginia were established in those commonwealths at intervals of three years after the enactment of the South Carolina law. The South Carolina system deserves particular attention, for here the capacity of the dispensary to solve the liquor problem was given its important practical test. The enforcement of the law was seriously crippled for several years after its enactment. The enemies of the dispensary, carrying opposition even to the federal courts, harassed it in every possible manner, until finally in May, 1898, the right of a commonwealth to institute a public monopoly of the sale of intoxicating liquors was established by the Federal Supreme Court.⁵ Nine years later, after a trial of thirteen and one-half years, during the whole period of which it had retained the active support of the Governors and their administrations, the commonwealth dispensary system was abolished⁶ and the legislature relinquished to the county the commonwealth's control of the sub-dispensaries still operating in twenty-four counties.⁷ The commonwealth dispensary system had failed.⁸

The change in administration, moreover, could not check the progress of the gradual abolition of the dispensary already instituted under the commonwealth system. Through local-option elections twenty-four counties abolished the dispensaries in 1908. On August 17, 1909, local-option elections were held in the remaining dispensary counties. Six counties voted to retain the dispensaries. In two of the counties the majority for the dispensary was less than fifty votes. The legislature in the current year has given the counties of the commonwealth an opportunity to vote in November upon the re-establishment of the dispensary if they choose to resubmit the proposition.

In four other commonwealths of the South, as we have seen, county and municipal dispensaries have been established over a wide extent of the territory. A comparison of the separate map of Alabama on Plate No. 4 with that on Plate No. 5 shows that although the dis-

¹ Clarke County, Ga., the original dispensary county, located in the northeast corner of the state, was of the first type.

² Auditor of Public Accounts. *Letter of Jan. 14, 1910.*

³ *Letter of March 20, 1912.*

⁴ *Message of Jan. 10, 1899, Senate Journal, 1899, p. 36.*

⁵ *Vance v. Vandercook, 170 N. S., 438.*

⁶ Act No. 402.

⁷ Act No. 226.

⁸ No other commonwealth would establish a similar system after an impartial investigation of the South Carolina Dispensary System.

dispensary counties at the opening of the prohibition *régime* have had ample opportunity to return to dispensaries since the repeal of state prohibition in 1911, only one county has re-established the dispensary. There are, then, eleven counties which had dispensaries at the opening of the prohibition *régime* and which have since expressed their disapproval of the dispensary system. Two of these have re-established saloons while nine have retained county prohibition. Twenty-four other counties had previously abolished the dispensary.

At the time of the opening of state prohibition in North Carolina dispensaries existed in nineteen counties. The twenty-five license counties at that time are indicated on Plate No. 4 by the single and the feathered boundary lines. In the state election of May 26, 1908, seventeen dispensary counties voted in favor of state prohibition, thus indicating indirectly their approval of the abolition of the dispensary within the county. These counties are shown on Plate No. 5 as having abolished the dispensary by local means. Prior to January 1, 1909, dispensaries had been established and later abolished in fourteen other counties.

The dispensary has been given less extensive trial in the two remaining commonwealths. In numerous instances the dispensaries were established in Georgia as substitutes for local or for county prohibition. While they had been established in a total of twenty-two counties they had been retained to be abolished by state prohibition in only seven counties. In Virginia dispensaries were established in twelve counties. Three of these counties later substituted county prohibition for the system. This review and a study of Plate No. 5 must lead to the conclusion that the dispensaries in the four commonwealths of Alabama, Georgia, North Carolina and Virginia have met with no more popular favor than has been accorded either the commonwealth or the later county system of South Carolina.¹

¹ Using the county as the basis of our calculation, we find that dispensaries have been established in a population aggregating three million, six hundred and thirty-seven thousand (3,637,000). Dispensaries have been abolished by local means, either local-option elections or the repeal of special laws, in a population aggregating two million, nine hundred and ninety-nine thousand (2,999,000). The distribution in the different commonwealths is as follows:

South Carolina—established, one million, three hundred and thirteen thousand (1,313,000); abolished, one million, fifty-three thousand (1,053,000); still existing, two hundred and fifty-nine thousand (259,000).

Alabama—established, one million, thirteen thousand (1,013,000); abolished, nine hundred and sixty-nine thousand (969,000); still existing, forty-four thousand (44,000).

North Carolina—established, seven hundred and fourteen thousand (714,000); abolished, six hundred and seventy-one thousand (671,000).

Georgia—established, three hundred and fifty-five thousand (355,000); abolished, two hundred and forty-two thousand (242,000).

Virginia—established, two hundred and forty-two thousand (242,000).

CONCLUSION

As outlined by Governor Tillman, "The claims of the dispensary to support and its superiority over any form of licensing rest on the following grounds:"²

- a. The element of personal profit is destroyed, thereby removing the incentive to increase the sales.
- b. A pure article is guaranteed.
- c. Honest measure of standard strength is guaranteed.
- d. Treating is stopped.
- e. Liquor is sold only in the daytime.
- f. The concomitants of ices, sugar, lemons, etc., are removed, and the inclination to drink thus reduced.
- g. All sales are for cash.
- h. The low dives, almost invariably associated with the saloons, are separated from the sale of liquor.

i. The local whiskey rings, the bane of every municipality in the state, are gone. Disregarding the possibility of an enormous increase in the annual revenue that might accrue to the state from the extension of the function of government to the sale of intoxicating liquor, the governor found his argument for the dispensary to be its capacity to eliminate the evils that spring from the private traffic in that commodity. This confidence continued after the establishment of the system, for in the message of the following year he asserts: "The law has come to stay, and it now depends on its enforcement and administration whether it will spread to other states or not."³

Does the history of the dispensary in the South throw any light at this time on its probable future in the United States? What are the causes for its gradual disappearance after so extensive a trial in the South? Has the dispensary, as its advocates had hoped, proved its superiority over the saloon as a distributing agency for intoxicating liquors?

The dispensary in the South has proved its superiority over the saloon as a revenue measure.⁴ The South Carolina commonwealth system during its existence of nearly fourteen years yielded, on the average the significant monthly profit of \$38,800.00. The revenue argument has often been used to good advantage to carry local-option elections for license. This has been particularly

000); abolished, sixty-three thousand (63,000); still existing, one hundred and seventy-nine thousand (179,000). "Abolished" is used in the case of Alabama and North Carolina in the sense that has been defined already in this chapter.

² Message of November 28, 1893, *Senate Journal*, 1893, p. 36.

³ Message of November 28, 1894, *Senate Journal*, 1894, p. 18.

⁴ The net profits to the commonwealth and to the counties and municipalities from the establishment of the business down to the opening of the current fiscal year may be approximated quite accurately by a compilation of statements contained in the various official reports. For this data see Table III.

true after a period of lax prohibitory enforcement. Intoxicating liquors continue to be sold, though illegally, and municipal taxation is derived from property. The nuisance without the benefit causes a change in sentiment. But the revenue feature was not sufficient to retain the dispensary. The dispensary did not eliminate the corrupt influences of the saloon.¹ In the annual messages of South Carolina executives, the concern of whose administrations was the maintenance of the commonwealth dispensary system, is revealed the causes for its abolition: "The people will not stand for anything in which they believe graft enters in any form and a serious trouble with the Dispensary Law is that it affords too great opportunity for wrongdoing and too little opportunity for its detection,"² and "It is notorious that the dispensary is as much or more in politics than it

ever was."³ Finally, to quote the testimony of the Committee appointed to close up the commonwealth dispensary system: Some of "the officials who fattened at the expense of the State became shameless in their abuse of power, insatiable in their greed, and perfidious in their disregard of their oaths of office. . . . We desire to express satisfaction at having reached the end of a business. . . . disgusting in revelations of corruption which had so deplorably permeated the business that it renders fumigation, figuratively speaking, necessary to approach the subject with comfort."⁴ The South has finally placed public welfare above revenue. It has gone far in banishing the saloon and the dispensary from its borders. In its wider aspects, then, it would seem that the experience of the South with the dispensary argues for its final extinction rather than its extension to new territory.

¹The advocates of the dispensary system found ground for their optimism, no doubt, in the large success of the Gothenburg company system. The Norwegian plan bears a striking likeness to the American dispensary system. The former system represents the socialization of the liquor traffic; the latter, the state socialization of the traffic. The South Carolina system, with its distributing agency in the local dispensary, depended for its efficacy as a means of social betterment upon the local political authorities. Here was large opportunity for corruption, as proved to be the case, slightly appreciated by the advocates of the dispensary system. (*Vide*. Report of the State Dispensary, *Reports and Resolutions*, South Carolina, 1895, p. 841.) The Gothenburg system was placed in the hands of reputable men. The management of the dispensary system, instead of being in the hands of the selected group of socially fit, was more likely in the American city to be in the hands of an elected group of the political available, a group reflecting only the average standards of that portion of the community which takes an

active interest in politics. The more aristocratic traditions and the more clearly-defined class distinctions of society in Europe afford a natural social leadership, and make social action successful in fields which in the United States are given over to political action. Moreover, the moral status of the liquor traffic throughout Europe admits a participation in its management without loss of caste. In the United States the "better class" are as yet unwilling to soil their hands with it.

² *Message of Governor Heyward*, Jan. 8, 1907. *Senate Journal*, 1907, pp. 18, 19.

³ *Message of Governor Ellerbe*, Jan. 11, 1899. *Senate Journal*, 1899, p. 46.

⁴ Report of the State Dispensary Commission of South Carolina, January 12, 1910. *Reports and Resolutions*, South Carolina, 1910, vol. 3, p. 282. Also the Report of the State Dispensary Commission of South Carolina, January 1, 1908. *Reports and Resolutions*, South Carolina, 1908, vol. 3, pp. 329-330.

CHAPTER IV

HINDRANCES OF FEDERAL LAW TO PROHIBITORY ENFORCEMENT

The ideal conditions for administrative efficiency in the enforcement of prohibitory laws are met, theoretically, whenever legislative requirement fails to exceed quantitatively local sentiment. In the analysis of this principle we will find the superiority of local-prohibition-through-special-legislation over local option.¹ Whenever prohibition, whether general or local, is established, however, forces beyond the control of the community and interfering with administrative efficiency are soon functioning. In practice these forces are serious hindrances to the enforcement of the law. Needless to say, prohibitory legislation has as a real and ultimate object the restriction of the consumption of intoxicating liquors. Commonwealths and communities have, as yet, attempted the restriction of the use of liquor in but two ways: in prohibiting first its manufacture and second its sale. It is quite significant that throughout the long history of prohibitory legislation no community in the South has prohibited the *use* of intoxicating liquors.²

Stimulating to the utmost as it always does the resistance of the liquor traffic and its supporters, prohibitory legislation is subject to continuous attack. It succeeds in abolishing and preventing the manufacture on a large scale of distilled and malt liquors within the areas affected by it, and in districts where local sentiment is strongly in favor of prohibition the sale of liquor is reduced. It becomes difficult to obtain intoxicants. But prohibitory legislation fails to exclude intoxicants completely even from those districts where the sentiment is strongest. In districts where public sentiment is adverse or strongly divided, the traffic in alcoholic beverages has been sometimes repressed or harassed but never exterminated or rendered unprofitable. Any restriction whatever upon the licensed traffic has the tendency to develop illicit selling. As a rule it will be granted that it is "more difficult to enforce the regulatory features of the best license law, in order to prevent the illegal sale of liquor, than it is to enforce the most drastic and simpler features of the prohibitory law."³

The incidental difficulties created by the United States

revenue laws and the freedom of interstate commerce have never been overcome. Every student of the liquor traffic acknowledges in the light of the experience of states, of counties, and of local communities that prohibition is impossible so long as intoxicating liquors are regarded as a legitimate article of commerce by the National Government. Congress has determined that revenue for the National Government should be raised through an excise system of taxation and has maintained a tax on all those who engage in the sale of intoxicating liquors. Every dealer must purchase an internal revenue stamp. These Federal tax receipts are issued indiscriminately to all applicants and consequently to those, whether in license or no-license territory, who are willing to risk the state or local penalty for illegal selling but do not dare to incur the drastic punishment of the National Government. This federal embarrassment to the enforcement of state and local law allows the liquor traffic to creep back and revive surreptitiously the trade which formerly plied openly. Liquor is shipped in from other states, and state legislation cannot prevent it. With these handicaps prohibitory law has never yet in American history been accorded a fair trial.

The subject of the transportation of liquor into or within a commonwealth has been a very embarrassing one for legislatures in every commonwealth which has tried the policy of prohibition whether state prohibition, local prohibition, or state monopoly.⁴ In commonwealths where local option prevails, transportation by express between license communities and no-license communities is only slightly impeded. To many students of this problem it seems that the time has arrived for Congress to remove from prohibition communities the weight of the interstate liquor traffic. They have the conviction that the future of temperance reform in America is being "too heavily mortgaged in order to make a successful showing in present conflicts. If in the end it shall be found that the states are hopelessly handicapped because the needed relief has not been obtained from the Federal Government before it is too late, the price of these victories will have been too great."⁵

¹ See chap. vi, p. 33.

² See Table I, item 18.

³ Mr. Miller, of Kansas, in *Congressional Record*, vol. 46, pt. v, Appendix, p. 219.

⁴ See Table I, items 17, 18, 20 and 21.

⁵ Mr. Nicholson, before the Fourteenth National Convention of the Anti-Saloon League, Washington, D. C., December 12, 1911.

The struggle to get protection from the interstate liquor traffic for states and territories in which prohibition or no-license existed has had an interesting history. The Constitution states that "Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."¹ This struggle therefore has focused in the effort to prevent the clause from being used as a means for carrying on the traffic in intoxicating liquors through local agencies in the violation of state laws. In the License Cases² which were before the Supreme Court in 1847, in passing upon the operations of this grant of commercial power to Congress in the absence of Congressional legislation, the doctrine was confirmed by the barest of majorities that legislation by Congress was essential to prohibit the action of the states upon the subject of liquor legislation. In other words, Congressional legislation was essential to prohibit the action of the state in its control over the sale of intoxicating liquor. This doctrine of concurrent power was soon overruled, however, for four years later in *Cooley v. Port Wardens*³ the court held that Congress had plenary power over interstate commerce.

In 1886 the Twentieth General Assembly of the State of Iowa amended the code of the state by an act⁴ which forbade common carriers to bring intoxicating liquors into the state from any other state or territory without first being furnished with a certificate under the seal of the auditor of the county to which it was to be transported or consigned, certifying that the consignee or the person to whom it was to be transported or delivered was authorized to sell intoxicating liquors in the county. On March 19, 1888, in passing on the constitutionality of this law, the Supreme Court in the case of *Bowman v. Chicago and Northwestern R. R. Co.* upheld the doctrine of plenary power. It maintained that, although the law was "enacted without the purpose of affecting interstate commerce but as a part of a general system designed to protect the health and morals of the people against the evils resulting from the unrestricted manufacture and sale of intoxicating liquors within the state," it was "neither an inspection law nor a quarantine law," but was "essentially a regulation of commerce between the states, affecting interstate commerce at an essential and vital part, and not being sanctioned by the authority, expressed or implied, of Congress," it was repugnant to the Constitution of the United States. Under this decision, then,

"they had the right to import this beer into that state, and in the view which we have expressed they have the right to sell it, by which act alone it would become mingled in the common mass of property within the state. Up to that point of time we hold that in the absence of Congressional permission to do so the state has no power to interfere by seizure or any other action in the prohibition of the importation and sale by the foreign or non-resident importer."⁵

In 1890, again, an opportunity was given to test the Iowa prohibitory law as far as it placed restrictions upon the importation of intoxicating liquors from other states and its sale in "original packages." A Peoria (Ill.) brewing firm had shipped a quantity of liquor to Keokuk, Iowa, to be sold in the "original packages." A portion of the liquor was seized by the city marshal on the ground that it was being kept for sale contrary to the provisions of the prohibitory law. The brewers brought suit to recover the liquor and won their case in the Superior Court for the City of Keokuk. The defendants took an appeal to the Supreme Court of Iowa, where the decision of the lower court was reversed.⁶ The case was appealed to the Supreme Court of the United States and in an opinion in *Leisy v. Hardin*, delivered in 1890, Chief Justice Fuller declared that the right to transport liquor from one state to another included by implication the right of the importer to sell it in the "original package" at the place where the transit terminated, and consequently the section of the Iowa prohibitory law which forbade the sale of imported liquors in the "original packages" was in violation of the Constitution of the United States.⁷ In commenting upon the effect of this decision, in the opinion delivered *in re Van Vliet*, Judge Caldwell of the United States Circuit Court, stated:

It is a notorious fact and a part of the public history of the country of which the court is bound to take judicial notice that this decision led to the opening up, in the states which prohibited the traffic in liquor or imposed a high license on the traffic, of what were popularly called "original package houses." Liquor imported in packages of all forms and sizes, but all original packages, was sold in these houses. In this way the retail traffic in liquor was practically established and in many cases by the most irresponsible and unsuitable persons who were not citizens of the state and were indifferent to its welfare. Peaceful and quiet communities from which the sale of liquor had been banished for years, were suddenly afflicted with all the evils of the liquor traffic. The seats of learning

¹ Section 8.

² 5 Howard, 504.

³ 12 Howard, 299.

⁴ Act No. 143, Session of 1886.

⁵ 125 U. S., 465.

⁶ D. E. Clark, "The History of Liquor Legislation in Iowa," in *Iowa Journal of History and Politics*, vol. 6, p. 579 (1908).

⁷ 135 U. S., 100.

were invaded by the original package vender, and the youth of the state gathered there were corrupted and demoralized, and disorder, violence and crime reigned where only peace and order had been known before. The invaded communities were powerless to protect themselves. They could neither regulate, tax, restrain, or prohibit the traffic.¹

As a result of these conditions, petitions were sent to Congress from all parts of the country asking for the passage of a law prohibiting the transportation of intoxicating liquors into or through a prohibition state.² Congress did not deem it necessary to comply with these requests, but on August 8, 1890, it passed an act commonly known as the Wilson Bill which had been introduced by Senator James S. Wilson of Iowa. The act, a direct blow at the "original package" traffic, provided:

That all fermented, distilled or other intoxicating liquors or liquids transported into any State, or Territory, or remaining therein for use, consumption, sale or storage therein, shall upon arrival in such State or Territory be subjected to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquor or liquids has been produced in such State or Territory and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.³

The constitutionality of the Wilson Act was first upheld by the United States Circuit Court for the Eastern District of Arkansas in the Iowa case⁴ and later by the United States Supreme Court in the Kansas case.⁵ In a subsequent decision of the Supreme Court in 1898⁶ it was held that the police power did not cause "the power of the State to attach to an interstate commerce shipment whilst the merchandise was in transit under shipment and until its arrival at the point of destination and delivery there to the consignee." "Upon arrival in such State," the phrase found in the Wilson Act, was interpreted to mean "after the shipment had reached its point of destination and had actually been delivered to the consignee." This interpretation has remained the rule of decision down to the present time. Congress has enacted no law modifying the situation created by this decision. Recent legislation has been purely parliamentary. All bills proposing to supplement the Wilson Act by fixing an earlier period of time than now exists, when the State may have full jurisdiction over interstate

shipments of intoxicating liquors, have failed of enactment.

The commonwealth in the exercise of its police power, therefore, cannot interfere with an interstate shipment of liquor before it has been delivered to the consignee. Is it reasonable to expect that the commonwealth will get relief from this situation? If a modification of the law is to be made, in what manner will it probably be done? In the preceding pages, we have ventured no far look into the future. Prediction in reference to the future would be hazardous and out-of-place in this connection, but a further analysis will make the situation clearer.

In tracing the history of the prohibitory movement in the South we have found no instance of prohibitory legislation involving directly the personal use of intoxicating liquors. The commonwealth and the National Government still regard intoxicating liquors as a legitimate article of use. The extent to which the prohibition of the manufacture and the sale of intoxicating liquors reduces its consumption of liquor has never been determined.⁷ Comparative statistics of public and private consumption are not available, so that generalizations on this point are out of question. Recent attempts to make an estimate have no probative force as regards this difficult and disputed question. The general consumption of alcohol for medicinal, and its increasing consumption for industrial purposes mask absolutely the consumption for drinking purposes. The amount of intoxicating liquor produced in the country gives little clue to the amount consumed as drink in any state.

Table I shows that the southern commonwealths, in their endeavor to control the use of liquor through the restriction of its sale, are exhausting every means in the use of their police power. Items Nos. 16 to 21 inclusive, indicate the means that have been already resorted to and the results show that a more adequate control has been gained over the intra-state commerce in liquors in local-option commonwealths, while no commonwealth in the exercise of its police power has been able to solve the interstate commerce problem. Every no-license community has had the "blind tiger." Liquor offenders are the most difficult class of offenders, and stringent measures have been passed in the South to handle this type of offenders. In Item No. 17 the commonwealth through the exercise of its police power controls intra-state shipments. Interstate shipments are without the police control of the commonwealth. Items Nos. 18

¹ *In re Van Vliet*, 43, *Federal Reporter*, 761.

² *Congressional Record*, 1st Session, 51st Congress, Index, p. 15.

³ *U. S. Statutes at Large*, vol. xxvi, p. 313.

⁴ *In re Van Vliet*, *ibid.*

⁵ *In re Rahrer*, 140 U. S., 545.

⁶ *Rhodes v. Iowa*, 170 U. S., 412.

⁷ It would require the authority of the general government and an immense expenditure of money to make an exhaustive statistical inquiry into the subject of the amount actually consumed in drink; and it is very doubtful if even the government could obtain all the facts necessary to reach a valid conclusion.

and 20 while controlling intra-state shipments, indirectly affect foreign shipments. Item No. 20 has been declared constitutional when applied to interstate shipments. The Supreme Court held in *Delameter v. South Dakota* that "although a state may not forbid a resident therein from ordering for his own use intoxicating liquor from another state, it may forbid the carrying on within its borders of the business of soliciting orders for such liquor, although such liquor may only contemplate a contract resulting from final acceptance in another state."¹ The same court has decided that Item No. 19 does not give the commonwealth the right to place a direct burden upon the constitutional power of Congress to tax. In the opinion in *Flaherty v. Hanson*² it was affirmed that, the mere payment of such tax and "wholly without reference to the doing of the person of an act within the state which is subject to the regulating authority of the state, cannot be made an incriminating fact under a state statute," but this receipt might be offered in evidence and create a *prima facie* presumption that the person paying the tax and holding the receipt was engaged in the business of selling liquor. While this latter problem was not before the court it suggested that such statutes were probably constitutional.

C. O. D. shipments of intoxicating liquors in interstate commerce have foiled all efforts to control them. The actual transportation and delivery of such liquors has been left untrammelled, and consequently it has been impossible to exclude completely all agencies between the buyer and the seller. The Wilson Act, as sustained in *Rhodes v. Iowa*, put an end to the sale of liquor in "original packages" by means of resident agents. Liquor dealers then sought to accomplish their ends through C. O. D. shipments. They manipulated this scheme in two ways. In the first place, the usual method was to make the carrier the agent of the shipper for the collection of the purchase price of the liquor at or before its delivery. The Supreme Court held that this method was constitutional. This position was supported when, in *Adams Express Co. v. Kentucky*, on May 13, 1907, the court held that Act No. 14 of 1902 prohibiting C. O. D. shipments of liquor into prohibition territory in Kentucky³ was unconstitutional.⁴ In an earlier ruling, on January 3, 1905, in *American Express Co. v. Iowa*, the court ruled that a package of intoxicating liquors received by an express company in one state to be carried to another state, and there delivered to the consignee

C. O. D. for the price of the package and the expressage, is interstate commerce and is under the protection of the commerce clause of the federal Constitution and can not, prior to its actual delivery to the consignee, be confiscated under the prohibitory laws of the state.⁵

In the second place, liquor dealers accomplished their purpose by means of bills of lading with drafts attached for the purchase price of the liquor. In this case a dual agency was employed. The carrier transported and delivered the liquor, while a bank or some other agency collected the purchase price and delivered the bill of lading by means of which the purchaser obtained the liquor from the carrier. The use of these two methods continued and the police power of the state could not interfere.

Congress again made an effort to relieve the situation. Without touching the constitutional problem involved, it passed on March 4, 1909, the Humphreys-Miller-Knox Bill. This Act amended the Penal Code by adding three sections thereto. Section 238 prohibits the delivery of liquors shipped in interstate commerce to other than a *bona fide* consignee; section 239 forbids the shipment of such liquors in interstate commerce "collect on delivery;" and section 240 requires the plain branding of all such liquors on the outside of the package so that the name of the consignee, and the nature and quantity of its contents shall be plainly shown.⁶ The framers of the act intended that Section 239 should cover both forms of C. O. D. shipments. The Act has relieved the embarrassment furthered by the decisions in the Express Company cases and Judge Amidon of the United States Circuit Court, in an opinion delivered on September 27, 1911, in *United States v. First National Bank of Anamoose*, has determined that interstate shipments of intoxicating liquors by means of drafts and bills of lading are also illegal under the section.⁷

⁵ 196 U. S., 139.

⁶ U. S. Statutes at Large, vol. xxxv, pp. 1136-1137.

⁷ As recited by the court, the facts of the case were these: One Dan. Meyers, residing at Anamoose (N. D.), sent an order to the Hamm Brewing Company, doing business at St. Paul, Minn., for a case of beer. The brewing company in filling the order delivered the beer to the Minneapolis, St. Paul and Sault Ste. Marie Railway Co., and received from it a bill of lading, with an agreement on the part of the company that it would not deliver the beer to Meyers until he presented the bill of lading to its agent at Anamoose. Thereupon the brewing company attached a sight draft for the purchase price of the beer to the bill of lading, and sent the same to the First National Bank of Anamoose, which undertook and agreed with the brewing company to collect the draft from Meyers and deliver to him the bill of lading, so that he could present the same to the railway and receive the beer, and thereby complete the sale and delivery of the same, and that the bank carried out this agreement with full knowledge of all the facts above stated. 190 *Federal Reporter*, 336.

¹ 205 U. S., 93.

² 215 U. S., 515.

³ See no. 24, notes to Table I.

⁴ 206 U. S., 129.

The Humphreys-Miller-Knox Act is proving effective for the prohibition of the particular features of interstate commerce in liquor which it was designed to prevent. The seller has been denied the agency privilege he had so long enjoyed. But transportation between buyer and seller is still free; the place of contract rather than the place of delivery is still considered the place of sale. It is certain that prohibition communities and commonwealths will continue, as until the present, to expect and demand further relief from the difficulties that still impede the enforcement of law with respect to interstate shipments of liquor. The course along which further relief will be forthcoming cannot at this time be definitely determined. For, is it possible that a full and complete protection to the commonwealths in the wider exercise of their police powers for the prohibition of the liquor traffic can be given without infringing upon the right of personal use which is still universally recognized?

The solution of this problem may come in any one of several ways. It has been suggested, in the first place, that if a constitutional act could be passed turning over to the commonwealth the control of all imported liquors upon their arrival within the borders of the commonwealth, except such as were imported for personal use, it would give the commonwealth some assistance in breaking up the illegal traffic in liquors. The Constitution does not give this right to-day. In 1908, the Oklahoma legislature passed a prohibition act in which had been incorporated stringent search and seizure measures.¹ These measures were later sustained by the Supreme Court of that commonwealth as a valid exercise of the state's police power. Soon after, however, the United States Judges for the Eastern and the Western Districts for the state of Oklahoma, issued writs of injunction, prohibiting the State, county, municipal and other officers of the commonwealth from interfering, by search and seizure processes, with shipments of intoxicating liquors from points without, to consignees resident within the commonwealth of Oklahoma. The State thereupon appealed to the Supreme Court of the United States for a writ of prohibition to enjoin these Federal Judges from interfering with the enforcement of Oklahoma's prohibitory laws. In a decision delivered on April 3, 1911, the Court refused to issue the writ of prohibition, contending that "the State had not availed herself of the otherwise complete and adequate measures of relief which would have been afforded by following the orderly and regular course of judicial procedure." "The interlocutory injunction can be corrected in the

Circuit Court of Appeals."² Oklahoma had failed in her effort to gain the right judicially to determine, under valid state search and seizure laws, whether imported liquors are held for the purpose of violating state laws or whether they are in good faith for the personal use of the importer. The administrative features of the enforcement of search and seizure laws present serious difficulties. How and in what way could it reasonably and practicably be determined at the time the package of liquor arrives within a commonwealth and before its delivery to the consignee, from an examination of the package, that it would be devoted exclusively to the consignee's personal use instead of being offered for sale by him, under the guise of personal use? Every inebriate could, in this way and as is his constitutional right to-day,³ satisfy his appetite as fully as though he lived in a license state.

In other quarters, it is maintained that Congress should withdraw its control over interstate shipments of liquor. But has not Congress withdrawn already as far as it may? The Federal Supreme Court has sustained the right of the commonwealth to prohibit the production of liquors, and the Federal Congress has removed from imported liquors the incidental right of sale in "original packages." The commonwealth has not yet prohibited the use of intoxicating liquors. It is probable, should prohibition commonwealths prohibit the use, that Congress would have power to deal with such liquors as it has dealt with lottery tickets⁴ and other commodities, prohibit their transportation from one commonwealth to another. But, as was contended in *Scott v. Donald*,⁵ as long as such liquors are treated by the laws of the commonwealths as legitimate articles of use and commerce, so long must they be accorded the same measure of protection as subjects of interstate commerce as is given to other property. Will the commonwealth prohibit the use of intoxicating liquors? We are again dealing with the future. Our analysis leads us to conclude that there are no indications that such legislation will be forthcoming in the immediate future. Under either local option or local prohibition many persons who are not prohibitionists in the absolute sense, habitually favor no-license legislation in the place where they live or where their business is carried on. By forethought such persons can get their own supplies from localities where license prevails. "If their supplies

² *Ex parte Oklahoma*, 220 U. S., 191.

³ *Louisville & Nashville R. R. Co. v. F. W. Cook Brewing Co.*, 223 U. S., no. 1, p. 70.

⁴ *Lottery Case*, 188 U. S., 321.

⁵ 165 U. S., 91.

¹ Act no. 69 of 1908, §§ 5 and 6.

should be cut off they might vote differently."¹ The prohibitory movement in the South is not a temperance movement. As has been suggested in Chapter II it is a movement to abolish the public retail liquor store.

We have now traced the history of the prohibitory movement in the South from the beginning to the present time. We have seen that the saloon has gradually disappeared from one community after another, and from one county after another until finally a state prohibitory law has been enacted excluding the traffic in intoxicating liquors from the limits of the commonwealth. The dispensary has been tried as a substitute for both the saloon and local prohibition. Most of these communities have returned to prohibition. The present problem for the prohibition commonwealth is preëminently the control of the illicit sale of liquor.

The topics treated in this study up to this point have

¹ C. W. Eliot, "A Study of American Liquor Laws," in *Atlantic Monthly*, vol. 79, p. 181.

had a logical sequence. The sale of liquor in the South has been our problem. We have traced the progress in the gradual repression of the saloon. The promise of finding a satisfactory substitute for the saloon in the dispensary assumed at one time in the United States an auspicious character. The experiment was made in our field. We have reviewed its history. Finally, in this chapter we have studied the efforts that have been made to get constitutional protection from the illicit sale of intoxicating liquors where the sale of such is prohibited by law. This study, since the struggle has been made in the courts and in Congress, has taken us beyond our defined field and we have been concerned with a nationwide problem. The analysis of the relation that the negro has borne to the prohibitory movement in the South, a relation wholly peculiar to southern conditions and therefore of primal importance to any interpretation of the prohibitory movement in the South, must be given. This problem has been reserved for consideration in the chapter immediately following.

CHAPTER V

THE NEGRO AS A FACTOR IN THE PROHIBITORY MOVEMENT

"The pretence is temperance. . . . The real underlying compelling cause is the negro."—Watterson.¹

MANY causes have been advanced to explain the progress of the prohibition movement in the South. The area covered in this investigation—the area in which similar methods have been used to repress the sale of intoxicating liquors—happens also to be the home of the negro race in America. It would be singular, therefore, if this race in this instance should escape being burdened in a biased judgment with the responsibility for this movement. In the popular magazine articles already referred to, no writer failed to assert that the negro was an important cause for the movement. In its crassest form this doctrine asserts that the negro is the real cause for the growth of no-license area in southern commonwealths. If this doctrine has any relevancy to fact, it could if true be established, one would say, by inductive methods. Along such lines the writer has attacked the problem. Judging from the data that had already been collected, the hypothesis that the purpose of the prohibitory movement in the South was to make intoxicating liquors inaccessible to the negro without taking them away from the more resourceful white man, would be difficult to defend. So far as the negroes as a race are addicted to liquor, they show a far better record than does the white race.² With this preliminary statement we may now enter upon an investigation of the problem.

DESCRIPTION OF THE DATA

The data forming the basis for this study have been drawn from numerous sources. The material of the investigation will be presented in three parts. The first part is an extensive study of the whole field of the fourteen commonwealths. The second part is a study of the biennial county local-option elections in Arkansas. The third part is an intensive study of the precinct vote in the elections-on-license in Maryland.

¹ Quoted by O'Reilly in *The Independent*, vol. LXIII, no. 3066, p. 564.

² *Economic Aspects of the Liquor Problem*, chapter 6.

I

THE ANALYSIS OF THE DATA OF PLATES NOS. 1, 2, 3 and 4

Plates Nos. 1, 2, and 3 show the distribution of no-license area in southern commonwealths at intervals of about ten years. On each plate is indicated by means of dots the density of the negro population. Each dot shows a negro population, on the average equal to ten per cent of the white population, *i. e.* one dot represents a range from five to fourteen, two dots from fifteen to twenty-four, etc. The absence of a dot indicates a negro population of less than five in one hundred of the white population.

Plate No. 1 shows the distribution of the no-license areas on January 1, 1868. The possible influence that the negro might have exerted on the no-license legislation in the South during the period of thirty-three years covered in this map was at its minimum and that for two reasons. In the first place, the negro during this period was not a political factor in the South. At the close of the period he had just emerged from slavery. In the second place, in all of the fourteen commonwealths the sale of intoxicating liquors to the negro had been prohibited for generations.³ The character of the distribution of the areas on Plate No. 1 supports the assumption of minimum influence. The areas are found in counties of all degrees of negro density; they appear in counties which lack the minimum five per cent negro population and they are found in three of the Mississippi-River counties of the lesser densities. The circles are located without reference to the density of the negro population. In the period of its origin, then, it appears that the prohibitory movement in the South is a response to a more far-reaching cause than one that could arise because of diverse racial elements in a particular community. The southern population had in small isolated groups, the one group absolutely as original as any other, attempted independently the solution of a fundamental social problem.

The second period of our study of the movement, covered by Plate No. 2 extending from January 1, 1868,

³ Table I, item no. 23.

to January 1, 1877, was one in which a distinct change in the status of the negro took place. Upon his emancipation the time-long restraint of Item No. 23 was removed. Thereafter he possessed the same right to purchase intoxicating liquor that the white man had held. Fully as important for our problem, also, is the fact that at this time the negro entered a period of distinct political activity. Finally, it was within this period that general legislation was introduced to supplement the process of special legislation which had been almost entirely employed previous to this time. The negro was in no sense implicated, however, in the introduction of this second method of legislation. Needless to say, had the purpose of the prohibitory movement been to make intoxicating liquor inaccessible to the negro, the introduction of the local-option policy at this time was most inopportune. It was far easier for the "ruling classes" in the use of the special-legislation method to keep the control of the liquor traffic in their own hands. The local-option policy gave the negroes, where the negro population was of sufficient density, this power whenever they wished then to exercise it. If, then, the hypothesis we are analyzing can be established, a definite change in the distribution and the growth of the no-license areas should appear on Plate No. 2. On the contrary, an examination of the plate will show that during this troublous period of political life no change from the previous period had taken place. The gradual growth of the previous period as indicated on Plate No. 1 and in Table I had in this period been merely augmented, making the division into two periods at January 1, 1868 appear perhaps arbitrary. Counties that had a few local-prohibition areas in 1868 have many in 1877, and counties with no prohibition areas in 1868 have several in 1877.

On Plate No. 3 we may ascertain the changes that appeared with the introduction of general legislation. A study of this plate shows that the policy of gaining prohibition through special enactments which originated early in the no-license legislation of the South, continued to be used in the township local-option period. On this plate no perceptible change appears in the relative distribution of the local-prohibition areas. Finally, a similar conclusion may be drawn from the legislation enacted in the county local-option period. The legislation of this period as shown on Plate No. 4 opened with January 1, 1887, and extends to the present time. The policy of general legislation proved to involve, as time progressed, the extension of the area of the legislative unit. Items Nos. 6, 8, and 9 of Table I indicate no intermediate area between the county and the commonwealth. We may here study forces which tend to hinder

the transition from county local-option to state prohibition. What is the nature of the population in a county that retained the saloon? Has the negro in any way aided in hindering the transition from license to no-license?

In Arkansas we find to-day, in comparing the distribution of the counties with a population of high negro density as indicated on Plate No. 3 with the license counties at the present time as indicated by feathered boundary lines on Plate No. 4, that with one exception the six counties of highest negro density are license. These five counties have never voted for no-license. Three of the other license counties have cities of over ten thousand inhabitants. There is only one city of five thousand inhabitants located in a no-license county. At the opening of the prohibition *régime* in Tennessee the three largest cities in the commonwealth were located in three of the four license counties. One of these counties had a negro density of 120. A similar analysis will show that in Mississippi, the Mississippi-River license counties had on December 31, 1908, a heavy negro density, and that the three southern-most of these counties had each a city of over seven thousand inhabitants. One of the three Gulf-of-Mexico license counties had a city of five thousand inhabitants. A comparison of the separate map of Alabama on Plate No. 4 with the map of Plate No. 3 shows that four of the seven license counties have a majority negro population, and that the other three license counties are of relatively high negro density. In four of the license counties there is a city of over eight thousand inhabitants. At the opening of the prohibitory *régime* in Georgia all of the nine largest cities of the commonwealth were located in license counties. The same correlation of high negro density with license that we discovered in Alabama, Arkansas and Mississippi may be noted in Georgia, especially in the southwestern section of the commonwealth. In Florida the four cities of five thousand inhabitants are located in license counties. In three of these counties there is a majority negro population. In South Carolina the county with the highest negro density retained the dispensary in the election of August 17, 1909. The counties of high negro density are too widely distributed for any further analysis. The two largest cities in the commonwealth are located in dispensary counties. In North Carolina on December 31, 1908, four of the twelve cities of over five thousand inhabitants were located in license counties. Eight of the twenty-five license counties had a majority negro population, while twenty had a negro density of over 70. We find again in North Carolina a correlation between high negro density and license.

There is then in this analysis no indication that the prohibitory movement in the South has been due to the

presence of the negro. In other words, the contention that, "the extraordinary development of the policy of special legislation in the South . . . is rather due to the determination of the political aristocracy, especially in the black belt, to keep the government in their own hands,"¹ cannot be established as a general proposition.²

We conclude, therefore, that . . .

- (a) "the real underlying compelling cause" of the prohibitory movement in the South could not have been the negro.
- (b) the possible correlation of license with populations of high negro density suggests the possibility of further verification.
- (c) the populations in cities approximating or exceeding ten thousand inhabitants generally adopt license as the best policy for the control of the liquor traffic within the limits of the city.³

A further study would probably show that the negro population in a large city emphasises the general urban countenance of the license policy. This analysis is not necessary, however, to overthrow the general proposition we are analyzing in this chapter. It will be admitted, at all events, that until a satisfactory substitute for the saloon is found, an institution that will meet the peculiar conditions of city life, the disposition of large cities to disregard prohibitory law will continue even though further relief is gained from the interstate traffic in liquors. The general retention of the license policy in the communities with populations of high negro density suggests the wisdom of further investigation as to the mechanism of this relation. Indirectly this will throw light upon the general conclusion based upon the data of the first part of this analysis. Arkansas, a commonwealth with a distinctly segregated population and one in which the county through a general statute has been free for thirty years in the exercise of its control over the liquor traffic within its borders, presents data which are comparable in length of time over which the record is available to those of no other commonwealth.

¹C. M. L. Sites, *Centralized Administration of Liquor Laws* (New York, 1899), p. 152.

²For example, the thirty-nine counties of Georgia which gained county prohibition through special legislative acts, thus apparently avoiding the disquieting strife of constantly recurring county local-option elections, were of the following negro densities: less than fifty negroes per hundred of the white population, nineteen counties; between fifty and one hundred negroes per hundred of the white population, eight counties; between one and two hundred negroes per hundred of the white population, nine counties; and over two hundred negroes per hundred of the white population, three counties. Seventy per cent of the counties contained a majority white population.

³For example, the experience of Atlanta and Birmingham under prohibition through county local-option elections.

II

THE ANALYSIS OF THE ARKANSAS DATA

The negroes of this commonwealth had by 1890 become definitely segregated; the counties with a high negro density were located in the southern part of the state and along the Mississippi River. The northern and western counties had few negroes.⁴ Inasmuch as there were counties predominately negro as well as white, this commonwealth affords opportunity to study the operation of the same liquor legislation in communities very diverse in character. Arkansas has had a biennial county local-option election law since 1882⁵ and the negro has not been disfranchised in this commonwealth.⁶ It is, therefore, possible to study the influence he has exerted in these local-option elections. One thousand one hundred and twenty-one county elections have been held and a "change in sentiment"⁷ was indicated two hundred and thirteen times.

For the analysis of the relationship we are about to examine the first step is to make five groups of the counties.⁸ The first group includes all of the seventy-five counties of the commonwealth. The second group includes the counties having a majority of negro voters in the voting population of 1900. There are sixteen counties in this group. The third group includes the other fifty-nine counties of the commonwealth. The fourth group includes the six negro counties with more than two hundred and fifty negro voters to one hundred of the white voting population, while the last group contains the seven counties of less than a two-tenths per cent negro voting population. The histograms, Figures 2 and 3, Plate No. 6 illustrate accurately the results of the local-option elections held in the counties of the fourth and fifth groups. The variables plotted as ordinates in the diagrams, "percentage of the vote cast for no-license," should be interpreted to mean the ratio of the no-license vote cast to that cast for license. The time intervals are plotted as abscissæ. The numerals in the legend opposite the graph of Figure 2 indicate the number of negro voters per hundred of the white voting

⁴ See Plate No. 3.

⁵ Table I, item No. 8.

⁶ Table I, item No. 24.

⁷ The phrase "change in sentiment" is here used to mean a reversal in the vote from the result of the previous election, either from license to no-license or the converse. In eighty-one and four-tenths per cent of the elections there were no reversals, which goes to disprove the assumption held quite generally that a general local-option law creates a marked instability of sentiment.

⁸ The statistical data for the different groups are given in Table II. The graphic representation of the biennial county vote-on-license for the white and the negro groups is given on Plate No. 6.

population, and opposite the graph of Figure 3, the number of negro voters in two thousand of the white voting population.

We are now able to analyze the influence of negro in the local-option elections. Figure 2, Plate No. 6, shows that five of the six counties of the fifth group have voted for license in every election. One county has changed its status three times during the period. A comparison of Figure 2 with Figure 3 will show that the saloon has escaped in the group of negro counties the vicissitudes that it met in the elections in the group of white counties. In 1902 all of the latter group voted for no-license and since that date one county has returned to license for one period. Figure 1 illustrates the data of Division IV, Table IV. Here we find again that wherever there is a population of high negro density, the counties have a marked tendency toward stability in sentiment and that to retain the saloon.

We conclude therefore, from the data presented in the second part of this analysis, that—

(a) there is a high correlation between the license policy and counties of high negro density.

(b) there has been a far greater stability in sentiment favoring the retention of the saloon in the counties of high negro density than in the counties with few negroes.

III

THE ANALYSIS OF THE MARYLAND DATA

We are able to push our inductive analysis one step further. In a number of the southern commonwealths the material for the investigation is extant. We cannot determine definitely the influence that the negro has exerted as a voter on the prohibitory movement until material is available for an analysis of the precinct vote of the election-on-license. For this it is necessary to have in addition to the precinct vote, the registration of the electorate by precincts and by race. This material is available only in commonwealths that have not disfranchised the negro.¹ The writer feels, from the efforts he has already made to collect this statistical material, that it would require the authority of a government investigator and a considerable expenditure of money to complete the task. It was fortunate for our purpose that the *Baltimore Sun* had published since 1884 in its *Annual Almanac* the registration by precincts and the precinct vote of the Maryland local-option elections.

On Plate No. 5 the counties of Maryland are numbered. In the Appendix to this chapter are tabulated the election statistics of the counties in which in certain

precincts the negro vote was sufficiently heavy to admit of analysis. We may now enter upon an investigation of the influence that the negro has exerted in the elections-on-license in this commonwealth.

Allegany County (18)

Allegany County had in 1880, 1890, and 1900 a population with a negro density of 4. On November 21, 1880, the county voted to retain license (3626 to 2539). In no precinct did the number of registered voters exceed fifteen per cent of the number of white voters. The county has never been no-license.

*Anne Arundel County (15)**

In the election of December 5, 1882, in Ward No. 3 of Annapolis, the only precinct in which it is possible to apply our test, the negroes voted for no-license. In that same precinct in the next election, which was held on April 26, 1886, the negroes reversed their vote and carried the precinct for license.²

Baltimore County (22)

The local - prohibition - through - special - legislation method has been used extensively throughout the county, including parts of the city of Baltimore. The county has never voted on license. The density of the negro population has never exceeded 19.

*Calvert County (12)**

The county local-option election of November 5, 1876, was carried for no-license with the aid of the negro vote. The density of the negro population was 118. The county had remained no-license twenty-four years, when saloons were established in one town. The county is still license.

Caroline County (5)

In the precinct local-option election of July, 1874, the county voted no-license. This was the only election ever held in the county, and the county has since remained no-license. In 1870 the density of the negro population was 45; in 1880, 43. The election was held too early to admit of analysis. Four precincts voted for no-license. License was given a majority of 9 in the Fourth Precinct.

² The *Baltimore Sun Almanac* gives the registration by counties for 1882 and 1883. It will not be possible, therefore, to make an accurate analysis of the vote in the elections held prior to 1884. These statistics show that, while the registration was far behind the voting possibilities of the commonwealth as shown by the United States Census of 1880, in the increase of registration there were very slight changes in the ratio of the negro voters to the white voters in the precinct.

* See Table V, p. 49, for the election statistics.

¹ See Table I, items nos. 24 and 25.

Carroll County (21)

The county local-option election of November 2, 1880, was carried for license by a vote of 3365 to 2788. In that year there were eight negroes to one hundred of the white population. In 1884 the negro registration did not equal in any precinct sixteen per cent of the white registration. The county has never been no-license.

Cecil County (1)

Cecil County had in 1880, 1890 and 1900 a population with a negro density ranging from 18 to 20. County local-option elections were held in 1880 and 1886, and beginning with 1890 they have been held quadrennially. The issue of county prohibition in these elections resulted as follows: for, for, against, for, against, for, for and for. In only four precincts did the registration of the negro voters in any of these elections equal thirty per cent of the registration of the white voters. The First Precinct, Ceciltown, with a negro registration of approximately sixty per cent for the period, has cast its vote for license once. At this time a light vote was cast. In no county election on-license was the white registration exceeded by the vote.

*Charles County (13)**

Since 1870 the density of the negro population in Charles County has ranged from 115 to 145. The negro registration generally equaled the white registration. It is very apparent that in every election and in nearly every precinct the county was carried for license with the aid of the negro vote. The vote polled as a rule, exceeds the white registration. In the election of April 24, 1906, when the county was carried for license, three precincts voted no-license by small majorities.¹ The county has never been no-license.

Dorchester County (18)

Since 1870 the density of the negro population in Dorchester County has ranged from 63 in 1870 to 51 in 1900. In a precinct local-option election held in July, 1874, every precinct voted for no-license. In 1884 in five precincts the negro registration ranged from 96 to 161 per cent. of the white registration. On November 2, 1880, Drawbridge Precinct (registration—white, 123; colored, 127) voted for no-license 144 to 38. On November 4, 1884, Linkwood Precinct (registration—white, 163; colored, 130) voted for no-license 173 to 68. There are no indications that the negro favored license in these precinct elections.

¹ In recent years *The Sun* has discontinued publishing in *The Almanac* the official precinct vote of the elections on-license.

Frederick County (20)

Since 1870 the density of the negro population in Frederick County has ranged from 19 to 13. In the election of August 3, 1880, the majority for license was 1436. The registration in 1884 was: white, 10,016; colored, 1668. The county has never been no-license. The local-prohibition-through-special-legislation method has been used extensively in this county.

Garrett County (17)

The density of the negro population in Garrett County has always been 1. In a precinct local-option election on November 4, 1884, in which the county voted for license, 1304 to 1130, five precincts were carried for no-license. In a later election on April 27, 1886, in which a sixth precinct voted for no-license the county voted for no-license, 966 to 953. On November 4, 1890, this vote was reversed and the county has since been license.

Harford County (23)

Since 1870 the density of the negro population in Harford County has ranged from 26 to 31. In the election of November 7, 1882, the county voted for no-license, 2989 to 1803, and again on November 6, 1888, 3321 to 2101. At this time, Havre de Grace, voting as an independent unit, was carried for license. The city has since remained license. In no election did the total vote cast exceed the registration of white voters, and in no precinct do the election statistics admit of analysis.

*Howard County (4)**

Since 1870 the density of the negro population in Howard County has ranged from 32 to 37. In the county local-option election of December 5, 1882, every precinct in the county was carried for no-license. Clarkville Precinct, the only precinct in which the vote cast exceeded the white registration, was carried for no-license with the aid of the negro vote. Ellicott City was granted a license law in 1892, and the county has since been license.

*Kent County (2)**

Since 1880 the density of the negro population in Kent County has ranged from 64 to 69. November 5, 1878, the county gave a majority of 594 for no-license and the status has never been changed. In the election of May 10, 1890, the majority for no-license was heavy enough to show that the negro represented the sentiment of the county even though the total vote cast did not equal the registration of that year. In 1896 the county gained statutory prohibition.

* See Table V, p. 49, for the election statistics.

*Montgomery County (16)**

Since 1880 the density of the negro population in Montgomery County has ranged from 50 to 59. In the county local-option election of November 2, 1880, every precinct voted against license. Since a heavy vote, nearly equaling the registration of 1882, was cast, a majority of the negro votes was without question cast for no-license. The county has never reversed its prohibition vote of 1880.

*Prince George County (14)**

Since 1870 the density of the negro population in Prince George County has ranged from 67 to 89. County local-option elections were held in 1880, 1884 and 1908. These elections resulted as follows: No-license, license and license. Four precincts had a majority of negro voters in 1884. Two of these precincts, Marlboro and Queen Anne, have been carried consistently for license. Nottingham and Brandywine voted: no-license, license, no-license.

*Queen Anne County (3)**

Since 1870 the density of the negro population in Queen Anne County ranged from 53 to 68. Precinct local-option elections were held in 1874, 1878, and 1882. Although the number of registered negro voters ranged from 40 to 80 per cent of the white registered voters in the different precincts in 1884, the vote cast in the license elections was too light to admit of analysis. In a local-option election in 1895 the only license precinct was carried for no-license. The county has since remained no-license.

Somerset County (9)

Since 1870 the density of the negro population of Somerset County has ranged from 58 to 67. Precinct local-option elections were held in 1874, 1876, 1882 and 1884. In Dublin Precinct, the precinct with the highest negro registration (99 in 1884), the negroes have aided in retaining the saloon in every election. The three other precincts of high ratios (73 to 88) have been carried for no-license with the aid of the negro vote. Since 1890 the special-legislation method has been used to gain statutory prohibition for the precincts. Act No. 240 of 1898 extended the area to the county. The county remains prohibition.

*St. Mary County (10)**

Since 1880 the density of the negro population of St. Mary County has ranged from 92 to 105. In the county local-option election of August 16, 1884 every precinct in the county was carried for license with heavy majorities. In seven of the eight precincts the vote cast exceeded

the white registration, indicating that negroes voted for license. This county has never had prohibition.

*Talbot County (6)**

Since 1870 the density of the negro population in Talbot County has ranged from 57 to 71. In the precinct local-option election of 1874 one precinct voted for license. This precinct retained the saloon in an election in 1884 with the aid of the negro vote. In 1902 the precinct was granted statutory prohibition. A county-prohibition act was passed in 1906 and the county remains prohibition.

Washington County (19)

Since 1880 the density of the negro population in Washington County has not exceeded 9. A precinct local-option election in 1880 was carried for license with a majority of 549. Six precincts voted no license. County local-option elections were held on the following dates, with these majorities for license: 1884, 350; 1886, 389; 1909, 1620. This county has never had prohibition.

Wicomico County (17)

Since 1880 the density of the negro population in Wicomico County has ranged from 34 to 39. In the local-option election of May 24, 1876 the county gave a majority of 359 for license. Later on April 26, 1904, a precinct local-option election was held. One of the two precincts that voted for license was Tyaskin, the precinct with the highest negro voting strength (77). Finally in 1908 the county was carried for no-license.

Worcester County (18)

Since 1870 the density of the negro population in Worcester County has ranged from 49 to 56. The first two county local-option elections were carried for no-license, with the following majorities: April 21, 1874, 412; April 24, 1876, 349. On April 3, 1883, local-option elections were held in six of the nine precincts in the county. In terms of the negro registration, the precincts voted as follows: 60, 50, and 20, license; 75, 60, and 15, no-license. In the county local-option election of March 21, 1908, every precinct in the county was carried for no-license, the vote being 2905 to 847.

In arranging the twenty-three counties in the order of the number of "colored males of voting age" per hundred of "white males of voting age" in 1900 and making four groups of counties, we find that the negro densities in Maryland do not approach those of several counties of Arkansas, for the range of the first group of five counties is 1 to 11; of the succeeding groups of six

* See Table V, p. 49, for the election statistics.

counties each, the second, 19 to 35, the third, 41 to 53, the last group, 59 to 106. The counties never adopting prohibition, or if adopted, never retained longer than ten years, are distributed as follows: the permanently license, all but one of the first group, one in each of the second and third groups and two in the last group. Four of these counties contain all but two of the cities of over five thousand inhabitants in the commonwealth. The short-period prohibition counties are distributed as follows: four years, the fifth county of the first group, one in the second group and two in the last group; six years, one in the second group; ten years, one in each of the second and third groups. Annapolis is located in a four-year-prohibition county.

The counties retaining prohibition from the time of its first adoption are distributed as follows: one of the counties of the second group has had prohibition continuously for thirty-eight years, while the other county has been a prohibition county for sixteen years, eight years of which comprise the present period. The no-license periods of the four counties of the third group are continuous periods of thirteen, fourteen, sixteen and seventeen years respectively. In the last group one of the counties has been prohibition continuously for thirty-four years, while the other had been prohibition for twenty-four years before the adoption of the license policy twelve years ago.

In this analysis, then, we see that the correlation of license with populations of high negro density appears in six of the seven counties with the highest negro density. On the other hand, we find that of the nine counties of the lowest negro density, eight have either always been license or have not retained no-license longer than six years. The large cities are located in these counties.

The analysis of the precinct vote cast in the elections-on-license led us to make two classes of precincts, those of high negro voting-strength in which the vote cast did not exceed the white registration, thus preventing a test of the negro vote, and those precincts in which conditions were favorable for such a test. Summarizing the elections carried first for license and next for no-license, in the first group, we find the results by counties as follows: Cecil, 1 and 8; Prince George, 8 and 4; Wicomico, 1 and 0; total, 10 and 12. Summarizing the precincts in which the negro vote positively functioned in the result, we find: Anne Arundel, 1 and 1; Dorchester, 0 and 2; Howard, 0 and 1; Somerset, 4 and 4; Talbot, 1 and 0; total, 6 for license to 8 for no-license. The negro vote has aided in retaining license in elections in

Charles and Montgomery Counties, while it aided in carrying the election for no-license in Calvert County and possibly Dorchester and Kent Counties, though in these instances the vote did not admit of analysis.

A conclusion drawn from the analysis of the material presented in this third part of our investigation establishes the fact that the negro is not always in favor of the license policy. The negro electorate usually votes as does the white electorate in the same precinct. The analysis shows that the negro has the no-license support in his favor.

CONCLUSION

We have now definite conclusions to the problem we set out to examine in this chapter. The first part of the investigation was a general study of the whole field. The other two parts have tested further the general conclusion reached in the first part of the analysis and were inquiries into the propensities of the negro electorate in the elections-on-license since the general proposition was shown to be invalid.

We conclude, accordingly, that, contrary to general assertion and its general acceptance,

(1) the negro has been an inconsiderable factor in the prohibitory movement of the South, because the saloon has been abolished and retained in the communities of the South without apparent reference to the presence of the negro;

(2) as a voter the negro has exerted an influence hindering the movement of no greater weight than that exerted by the white voter;

(3) the greatest hindrance to the prohibition movement has been exerted by the lower levels of both races.¹

The conclusions of this chapter have been expressed in general form, while the material upon which the investigation into the influence that the negro has exerted as a voter has been drawn from only two commonwealths and those located on the northern boundary of our field. This has not been done in the ignorance of the rather narrow statistical basis upon which the second proposition rests. The writer ventures the general proposition from an extended survey of elections-on-license in nearly every commonwealth. This material is too far from complete to be presented at this time.

¹ Cf. John E. White, "Prohibition," in *South Atlantic Quarterly*, vol. vii, no. 2 (April, 1908), p. 137. There was a sense of satisfaction in finding that a close student of the problem from a direct contact with the field had reached essentially the same conclusion that had been gained as an inductive inference from data drawn from statute laws, official state reports and election statistics.

CHAPTER VI

CONCLUSION

IN the preceding chapters we have been concerned with the presentation and explanation of the data upon which the solution of the problem before us rests. No attempt has been made to indicate except in a cursory manner the practical bearing of the results that were there established. Certain important conclusions may now be presented as to the sources of the prohibitory movement in the South, the methods employed and the results. It will be apparent to the reader who has scrutinized the material presented on the maps and charts and in the tables that conclusions of this nature may be drawn from the evidence there set forth.

The prohibitory movement in the South is a response to a fundamental social impulse; its origin was too early, its response too basic and unconscious for any other interpretation. There was discovered no foundation for the premise that the movement could be interpreted as the effort of the white group in a community of diverse racial elements to again limit the province of the activity of the members of the negro group in reference to the use of intoxicating liquors to the point that existed before emancipation. It has been rather the effort of the whole community to rid itself of the public retail liquor store. This shop, whether a saloon or a dispensary and whether under private or public administration, had become a depressing social influence no longer to be countenanced by public opinion. In this connection we have observed, moreover, that the purpose of the legislation involving the prohibition of the manufacture and the sale has not been to stop the use of intoxicating liquors. The liquor store and not the use of intoxicating liquor has been directly involved. The same cause in the South, then, as in the North has promoted no-license legislation.

Wherein may we find the reason for the marked disparity until within eight years in the extent of the prohibition territory in these two sections of the United States?¹ It is primarily the difference in method—the method used in the administration of liquor laws. It may be true that the policy of the South in liquor legislation was, to have no distinctive policy, except that

of legislating specially for different localities,"² but the method of local-prohibition-through-special-legislation is the important fact to be discovered about the growth of no-license territory in the South. This system which has so largely prevailed in the South secures preëminently the nice adjustment of law to public sentiment and has thus been most successful in its operation. As methods insuring efficiency in the administration of liquor laws there is a marked contrast between special legislation and local option, the method that has in the North dominated the legislation, except in the case of the commonwealth and has also been widely used for nearly forty years in the South.

The effect of public sentiment upon the efficiency of local administration may be represented, as Mr. Sites declares, in the form of a ratio,³ thus:

$$\text{Local Administrative Efficiency} = \frac{\text{Local Sentiment}}{\text{Legislative Requirement}}$$

In the first place, we find that special legislation is enacted only after the intensity of local sentiment has been accurately tested. Under the method of local-prohibition-through-special legislation, legislative requirement will never quantitatively exceed local sentiment. The special laws were not submitted to the judgment of the electorate before enactment, excepting of course the optional form of special legislation. Enactment was not possible, therefore, in the face of the disapproval of nearly a majority of the electorate. As has already been shown the pressure of local sentiment was carefully measured in the halls of the legislature. The Representative carefully determined that the legislative requirements of his constituents' petition when enacted into law should not approach, much less exceed, local sentiment. Since the conditions of our ratio in this way have been met, we have an ideal condition for local administrative efficiency.

By this means of approach the community has collectively solved the problem for itself. In the accurate measurement of local sentiment, then, rather than in the reliance upon the legislative requirement, was found the

¹ See the writer's map in *Anti-Saloon League Year Book for 1909*.

² Sites, *Ibid.*, p. 106.

³ *Ibid.*, p. 96.

logical solution of the problem of repressing the sale of liquor. In this we find the first distinct advantage of the local-prohibition-through-special-legislation method over local option.

The most obvious objection to the measuring of administrative efficiency through legislative enactment, namely, that the enactment of a law does not necessarily mean enforcement, has been fully met. And moreover, the general assumption may be made that, "when the community . . . feels strongly enough upon any given subject to express its will in statute law, it can and does in a large measure enforce its decree in extra-legal ways, even when the statute itself is enforced but imperfectly."¹

On the other hand, the process of gaining prohibition through local-option elections may mean that the legislation has been accomplished under conditions which are liable to defeat a thorough-going enforcement of the law. These conditions are of a local nature. In the first place, as the area widens, different grades of sentiment appear within the area. The "local" of the numerator of our fraction (local sentiment) is constantly in danger of being exceeded by the "local" of the denominator of the fraction (legislative requirement). In the second place, legislative requirement being nominally the expression of the average political and moral sense of the body politic, it may frequently happen, also, that local sentiment may not yet have reached the standard of the legal norm. These conditions do not pertain to local-prohibition-through-special-legislation.

Local-prohibition-through-special-legislation in its second advantage over local option is concerned with minimum areas. As the probabilities are that local sentiment is in advance of the legal norm in the local-prohibition-through-special-legislation method, so the possibility is greater that the legal norm will be in advance of local sentiment in the local-option method, and that is especially true as the administrative unit increases in extent. Yet this possibility does not necessitate that local option will always create a marked disparity in the value of the terms of our fraction. Complete and general prohibition is the only condition in which local sentiment cannot possibly exceed the requirements of the law. High administrative efficiency in prohibitory enforcement is brought about through a slow process of evolution. The standard of local sentiment may be raised by a similar slow process of education in which the legislative requirement has its part.

The formula changes as the area is enlarged and the

local-option method is adopted. Central control is introduced as an element in local administration. We have, then:

$$\text{Centralized Administrative Efficiency} = \frac{\text{General Sentiment}}{\text{Legislative Requirement}}$$

Since administration must be local in action, notwithstanding it is under central authority, the actual intensity of general sentiment in a particular place may be diminished more or less by the remoteness. In the make-up of general sentiment the sentiment of the local community thus has in practice a disproportionate effect. If, therefore, general sentiment be not strong and pronounced in favor of the enforcement of laws as laid down by the legislature, centralized administration is likely to weaken and fail in the face of an aggressive local opposition. So long as general sentiment, which normally is on a par with legislative requirement, is intense enough to carry the administration against the force of local sentiment, the conditions are favorable for the efficiency of central administrative control.² This is the problem whenever a county votes no-license against the wish of a number of local communities. It would have been interesting to measure, had the data been available, the exact extent to which the sentiment of the township welcomed the extension of the area of legislative requirement to the county.³ Over a wide area in a number of the prohibition commonwealths, the general county sentiment was pronounced enough to gain a statutory enactment for county prohibition.⁴ These counties were not susceptible to the changes in status through which the local-option counties had to pass before they actually accepted prohibition as a fixed policy.⁵

The problem of a strong general sentiment adequate for the enforcement of prohibitory law is vastly more serious when the commonwealth adopts prohibition before the sentiment of nearly every county within its borders is prepared for the larger legislative requirement. The fact is that the southern prohibition commonwealths had progressed far in establishing conformity in county

² Sites, *ibid.*, p. 98.

³ In the prosecution of this study the official precinct votes of county local option elections have been collected from all parts of the country. The significant fact appears from an analysis of these precinct votes, that the county local-option elections in which every precinct cast a majority vote for no-license are peculiar to the South, and are there relatively frequent.

⁴ Thirty counties in North Carolina and thirty-nine in Georgia had gained prohibition through statutory enactments before the opening of state prohibition. In Georgia twenty-two counties had accomplished this by means of a high-license law.

⁵ These changes in status were pronounced in Arkansas in the elections held under the biennial county local-option law. See Plate No. 6.

¹ F. H. Giddings, "Measurement of Social Pressure," in *Publications of the American Statistical Association*, March, 1908, p. 59.

sentiment before they extended the field of legislative requirements to the state. Legislation enacted for the minimum area and only after an accurate test of the sentiment of the electorate upon the proposed measure, is the advantage of local-prohibition-through-special-legislation method of liquor legislation. In this manner, southern commonwealths had gained an experience with the enforcement of liquor laws that proved valuable training where the community later gained enactments under general local-option laws.

The southern prohibition commonwealth has not fin-

ished with the liquor traffic in the passing of the state prohibitory law. The open saloon, the chief objective factor in liquor legislation until now, has been displaced and this has far exceeded half the battle for the repression of the sale of intoxicating liquors. Prohibition in the literal sense has not been attained. Whether in the abolition of the saloon, the battle has been won for the present so far as state legislation is concerned, as we are inclined to believe it has, or whether the personal *use* of liquor will soon be involved, cannot be determined. Congress may yet more clearly define the twilight-zone.

TABLES
AND
ILLUSTRATIONS

TABLE I
THE PROGRESS OF LIQUOR LEGISLATION IN SOUTHERN COMMONWEALTHS

Item of Legislation.	Alabama.	Arkansas.	Florida.	Georgia.	Kentucky.	Louisiana.	Maryland.	Mississippi.	North Carolina.	South Carolina.	Tennessee.	Texas.	Virginia.	West Virginia.
1. First license tax enacted. (1)	No. 1 of 1803 (2)	See Louisiana	1828 (3)	1757	No. 120 of 1793	No. 9 of 1805	No. 117 of 1828	No. 95 of 1818	No. 501 of 1798	No. 1762 of 1801	No. 80 of 1831	No. 147 of 1836	No. 1 of 1840	See Virginia
2. First no-license area enactment.	No. 11 of 1835	No. 101 of 1856	No. 22 of 1839	1835 (4)	No. 84 of 1846	No. 286 of 1850	No. 18 of 1842	No. 45 of 1848	No. 14 of 1838	No. 4014 of 1850	No. 33 of 1865	No. 38 of 1844	No. 195 of 1878	No. 49 of 1872
The area in miles radius.	3 Town	3 Academy	1 Academy	1 1/2 University	1 Town	2 Academy	1 Alms House	5 State University	1 College	2 College	1 Academy	1 1/2 University	3 Town	County
Town and county.	La Grange, Franklin	Falcon, Nevada	Missosukee Lake, Leon	Oglethorpe, Macon	La Grange, Oldham	Pleasant Hill, De Soto	Annapolis, Anne Arundel	University, La Fayette	Wake Forest, Wake	Erskine, Abbeville	Henry and Marshall	Mill Creek, Austin, Travis	Blacksburg, Montgomery	Hancock
3. First optional no-license enactment.	No. 205 of 1852	No. 31 of 1856	No. 1155 of 1861	No. 157 of 1859	No. 153 of 1848	. . . .	No. 172 of 1847	No. 167 of 1839	No. 246 of 1859	. . . .	. . . .	No. 95 of 1858	. . . .	. . . .
4. Majority township petition required.	No. 37 of 1881 (5)	No. 125 of 1855	No. 3416 of 1883	No. 37 of 1881 (6)	. . . .	. . . .	. . . .	No. 42 of 1854 (7), (8), (9), (10)	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
5. First township local-option election law granted for special districts.	No. 204 of 1875 (11)	. . . .	. . . .	1859 (12)	No. 363 of 1834	. . . .	No. 119 of 1835	No. 213 of 1837	No. 311 of 1851	. . . .	. . . .	No. 88 of 1854	No. 379 of 1872	No. 16 of 1867
6. General township local-option law. (13)	. . . .	No. 37 of 1874 (14)	. . . .	. . . .	No. 117 of 1874	No. 105 of 1852	. . . .	. . . .	No. 138 of 1874	No. 632 of 1882	. . . .	No. 33 of 1876	No. 248 of 1886	. . . .
7. First county granted prohibition.	No. 173 of 1880 Crenshaw	No. 373 of 1909 Washington	. . . .	No. 356 of 1875 (15)	No. 1201 of 1867 Hart	. . . .	No. 163 of 1874 (16)	No. 61 of 1873 Oktibeha	No. 205 of 1875 Northampton	No. 121 and No. 223 of 1883 Oconee and Barnwell	No. 352 of 1905 Tipton	. . . .	No. 307 of 1902 (17)	No. 49 of 1872 Hancock
8. General county local-option law.	No. 149 of 1907 No. 168 of 1911	No. 67 of 1881 (18)	1886 (19)	No. 182 of 1885	No. 89 of 1892 (20) 1912	No. 105 of 1852 (21) No. 76 of 1884	. . . .	No. 14 of 1886	No. 262 of 1881	. . . .	. . . .	No. 33 of 1876	. . . .	. . . .
9. State-wide submission elections held.	Nov. 29, 1909 (22)	. . . .	Nov. 8, 1910 (22)	. . . .	. . . .	. . . .	. . . .	. . . .	Aug. 4, 1881 May 26, 1908 (23)	. . . .	Sept. 30, 1887 (22)	Aug. 4, 1887 (22) July 22, 1911 (22)	. . . .	Nov. 6, 1888 (22) Nov. 5, 1912 (24)

NOTES: Items 1 to 9

(1) For sale by retail, for "on" or "off" consumption, and in excess over its share as a part of a general system of business licenses. As a rule the southern commonwealth imposes an elaborate system of business taxes.

(2) The acts are given by chapters.

(3) Act of November 21, 1828.

(4) Act of December 21, 1835.

(5) Granted to eleven counties; not a general act.

(6) Granted particular counties; not a general act.

(7) Act of March 8, 1852, granted to special districts.

(8) Petition to be open for one month for the reception of counter-petitions, and names found on both petitions to be considered as against the granting of the license. § 10.

(9) Act No. 24 of 1874 extended the right of petition to female citizens over 18 years of age.

(10) Act No. 81 of 1876 repealed Act No. 24 of 1874.

(11) Granted to two counties. Act No. 203 of 1876 adds three more counties.

(12) Two acts for localities in two counties.

(13) "Local Option" as here used merely implies the *right* of popular vote. It does not imply an actual *exercise* of the right.

(14) Annual, and hence an actual *exercise* of the right.

(15) (a) Local-Option Elections for either town, city or county; fourteen counties.

(b) Act No. 371 of 1876 grants prohibition to two counties through a high-license law. This method was used quite generally in Georgia.

(16) County local-option election granted Worcester County. The election carried for "no-license," on April 21, 1874.

(17) Prohibition granted to Buchanan, Dickinson, Giles and Tazewell counties.

(18) Biennial, and hence an actual *exercise* of the right.

(19) The referendum election on incorporating the clause in the constitution was carried for the amendment.

(20) Repealed by Act No. 52 of 1894; § 7.

(21) Repealed by Act No. 221 of 1854.

(22) The State voted on Constitutional Prohibition.

(23) The only election in the South carried for state-wide prohibition.

THE SALE OF LIQUOR IN THE SOUTH

TABLE I—(Continued)

THE PROGRESS OF LIQUOR LEGISLATION IN SOUTHERN COMMONWEALTHS

Item of Legislation.	Alabama.	Arkansas.	Florida.	Georgia.	Kentucky.	Louisiana.	Maryland.	Mississippi.	North Carolina.	South Carolina.	Tennessee.	Texas.	Virginia.	West Virginia.
10. Prohibition except incorporated cities, towns and villages.	.....	No. 459 of 1907 (1)	No. 4683 of 1899	No. 281 of 1891	.....	.....	.....	.....	No. 233 of 1903	No. 374 of 1880 (2)	No. 23 and No. 31 of 1877 (3)	.....	No. 189 of 1908 § 8	.....
11. Date of the opening of the state prohibition régime.	Jan. 1, 1909 (4)	.....	.....	1733 (5) Jan. 1, 1908	.....	.....	.....	Jan. 1, 1909	Jan. 1, 1909	.....	July 1, 1909	.....	.....	.....
12. "Scientific temperance education" legislation. (6)	No. 150 of 1891	No. 53 of 1899	No. 26 of 1889 § 20	No. 367 of 1901	No. 260 of 1893 § 63	No. 40 of 1888	No. 495 of 1886	No. 106 of 1896 § 7	No. 957 of 1907	No. 477 of 1908	No. 180 of 1895	No. 122 of 1893 § 65	No. 132 of 1900	No. 3 of 1887
13. First dispensary.	No. 63 of 1898 (7)	.....	.....	No. 395 of 1891 (8)	.....	.....	.....	.....	No. 331 of 1895 (9)	No. 28 of 1892 (10)	.....	.....	No. 113 of 1901 (11)	.....
14. Special dispensary local-option law.	No. 550 of 1899 (12)	.....	.....	No. 376 of 1906 (13)	.....	.....	.....	.....	.....	No. 313 of 1893 (14)	.....	.....	.....	.....
15. General dispensary county local-option law.	No. 316 of 1907 No. 168 of 1911	.....	.....	.....	.....	.....	.....	.....	No. 233 of 1903	No. 226 of 1907 (13)	.....	.....	.....	.....
16. "Blind tiger" enactment. (15) (16)	No. 56 of 1883	No. 122 of 1883 § 1	No. 37 of 1897	No. 292 of 1899	No. 21 of 1894	.....	.....	.....	No. 263 of 1899 (17)	No. 313 of 1893 § 22	.....	No. 90 of 1887	No. 510 of 1892 (17)	No. 36 of 1905 § 32
17. Place of delivery made place of sale. (18)	No. 405 of 1907 (17)	No. 53 of 1891 § 1	.....	.....	No. 63 of 1906 § 4	.....	.....	.....	No. 71 of 1908 § 4	.....	.....	.....	No. 190 of 1910 § 32	.....
18. Possession of liquor prohibited. (19)	No. 289 of 1887	.....	No. 48 of 1901 § 5	No. 41 of 1895 (17)	.....	.....	No. 81 of 1904 (17)	No. 117 of 1906	No. 12 of 1908 (17)	No. 61 of 1896 § 25	.....	.....	No. 189 of 1908 § 21	No. 36 of 1905 § 31
19. Internal Revenue license <i>prima facie</i> evidence. (20)	No. 277 of 1895	No. 122 of 1883 § 2	No. 46 of 1901	.....	No. 14 of 1902 § 2	No. 40 of 1908	No. 421 of 1896 (17)	No. 116 of 1908	No. 339 of 1905 § 5	No. 28 of 1892 § 16	No. 355 of 1903	No. 90 of 1887	No. 236 of 1906	No. 36 of 1905 § 31
20. Soliciting orders prohibited. (21)	§ 5087 Code of 1896	No. 75 of 1901 (22)	No. 49 of 1901	No. 287 of 1893	.....	No. 46 of 1906	No. 81 of 1904 (17)	No. 62 of 1890	No. 118 of 1908	No. 313 of 1893 § 41	No. 178 of 1909	No. 96 of 1901	No. 190 of 1910 § 33	No. 68 of 1909 (23) § 87a
21. C. O. D. shipments prohibited. (24)	.....	No. 53 of 1891 § 1	No. 83 of 1903	.....	No. 60 of 1894	.....	.....	No. 116 of 1906	.....	.....	.....	No. 96 of 1901	.....	No. 40 of 1903
22. Memorial to Congress asking protection for no-license areas.	.....	1889 (25) 1901	.....	.....	1902	.....	.....	1904 1908	1907	1911	1909	1905	.....	1908 (26)
23. Sale to negro without consent of master prohibited.	No. 3 of 1809	See Louisiana	1828 (27)	1755	No. 510 of 1834	No. 10 of 1806	No. 323 of 1832	No. 20 of 1839	1798	No. 670 of 1740	No. 135 of 1813	No. 780 of 1840	No. 120 of 1848	See Virginia.
24. Suffrage amendments enacted.	1901	.....	.....	1908	.....	1898	.....	1890	1900	1895	.....	.....	1901	.....
25. Registration of voters required. (28)	No. 17 of 1875 § 9	Nos. 46 and 122 of 1895	No. 33 of 1889 § 7	No. 118 of 1894 § 3	No. 65 of 1892 (29)	No. 98 of 1908 § 4	No. 22 of 1882 § 7	No. 68 of 1892 § 8	No. 89 of 1901 § 12	.....	.....	.....	No. 46 of 1870 § 3	.....

TABLE I—(Continued)

NOTES: ITEMS 10 TO 25

- (1) A majority petition of men and women "within three miles of any school-house, academy, college, university, or other institution of learning, or any church house," except in cities of the first and second class with police protection, might gain prohibition for that area. Act No. 74 of 1881.
- (2) Act No. 471 of 1878 prohibited the sale of liquor within one mile of any church, school-house, college or university not in an incorporated town, village or city.
- (3) Act No. 23 prohibited the sale of liquor within four miles of any incorporated institution of learning not in an incorporated town; Act No. 31, within five miles of any furnace, rolling mill, foundry or factory actually working; Act No. 112 of 1871, within six miles of any iron manufactory not in an incorporated town.
- (4) Repealed by Act No. 259 of 1911.
- (5) Repealed in 1744.
- (6) Either making the study of physiology, which shall include with other hygiene, the nature and effects of alcoholic drinks and other narcotics upon the human system, mandatory in public schools; or requiring the teacher to pass a satisfactory examination in the subject.
- (7) For Clayton, Barbour County.
- (8) For Athens, Clarke County.
- (9) For Waynesville, Haywood County.
- (10) To be established in license counties.
- (11) For Farmville, Prince Edward County.
- (12) For license counties.
- (13) For dispensary counties.
- (14) For no-license counties.
- (15) Example: A "blind tiger," within the meaning of this article, is any place in which intoxicating liquors are sold by any device whereby the party selling or delivering the same is concealed from the person buying or to whom the same is delivered. Texas, Act No. 90 of 1887.
- (16) Purchasing liquor in prohibition areas has been prohibited in Arkansas (Act No. 199 of 1899) and Tennessee (Act No. 422 of 1905).
- (17) Not a general act. The policy of special local legislation has been followed in several commonwealths.
- (18) Example: That the place where the delivery of any . . . liquor is made in the State of North Carolina, shall be construed and held to be the place of sale thereof, etc. Act No. 440 of 1905.
- (19) Example: Possession prohibited; Provided, however, That this law shall not be so construed as to apply to persons keeping a reasonable amount of spirituous liquors in his private residence for private use. Florida, Act No. 48 of 1901; § 2. This amount ranges from one-half gallon to two and one-half gallons in the different commonwealths.
- (20) Example: The possession of a United States special tax stamp (commonly called United States license) for carrying on the business of a retail dealer in spirituous, vinous or malt liquors, or the having of such tax stamp stuck up at the place of business in such (prohibition) territory shall be *prima facie* evidence of guilt under this section. Kentucky, Act No. 14 of 1902; § 2.
- (21) Example: Any person who, within the limits of any district in which the sale of . . . liquors is prohibited by law, solicits or receives any order for . . . liquors in any quantity to be shipped or sent into such district must, on conviction, etc. Alabama, Code of 1896; § 5087.
- (22) Example: Any person who receives an order from another for intoxicating liquors in prohibition territory and transmits the same in person, by letter, telegraph or telephone, or in any other manner . . . shall be deemed guilty of violating this act, etc. Arkansas, Act No. 135 of 1907; §§ 2 and 3. Similar acts have been passed for counties in Alabama.
- (23) On every license to solicit or receive orders . . . for . . . liquors, a state tax of \$100.
- (24) Example: All the shipments of . . . liquors, to be paid for on delivery, commonly called C. O. D. shipments, into any county, city, town, district or precinct where this act is in force shall be unlawful and shall be deemed sales of such liquors at the place where the money is paid or the goods delivered; the carrier and his agents selling or delivering such goods shall be liable jointly with the vendor thereof. Kentucky, Act No. 14 of 1902; § 4.
- (25) Senate Concurrent Resolution: That our Senators and our Representatives be requested to use their best efforts to secure the passage by Congress of a bill whereby the revenue laws of the United States shall be so amended as to prohibit the granting of licenses for the sale of intoxicating liquors in any county, district or locality where the sale thereof is now or may hereafter be prohibited by the laws of this State, passed January 28, 1889.
- (26) Oklahoma, No. 8 of 1911.
- (27) Act of January 21, 1828.
- (28) Registration of voters by race and precinct required.
- (29) Article IV, § 4, for cities and towns of the first, second, third and fourth classes.

THE SALE OF LIQUOR IN THE SOUTH

TABLE II
EXAMPLES OF THE HISTORY OF LIQUOR LEGISLATION FOR FOUR COUNTIES
ALABAMA

JEFFERSON COUNTY¹

Date of the Act.	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.
			Number.
12-16-1851	2	Elyton; later name changed to Birmingham.	219
1-23-1860	2	Prohibition for Elyton repealed	419
2-21-1860	2	Salem Church, Turkey Creek	418
12-9-1861	2	Bethel Church	161
12-13-1870	1	Central Baptist Church	155
2-9-1871	....	City Council given option, Elyton. § 16...	135
3-2-1871	2	Taylor's Chapel	164
12-7-1871	2	Irondale Furnace	220
3-7-1873	2	Any coaling grounds in Bibb, Jefferson and Tuscaloosa Counties, except incorporated towns. (The two adjacent counties to the southwest are Tuscaloosa and Bibb)	153
3-14-1873	2½	Red Mountain Iron and Coal Co.'s furnaces.	170
4-19-1873	3	Pleasant Hill Methodist Episcopal Church ..	157
12-11-1873	3	Enon Presbyterian Church	53
12-17-1873	2½	New Castle Coal Mines	50
12-17-1874	3	Old Jonesboro Methodist Episcopal Church.	233
3-7-1876	2½	Prohibition repealed for New Castle Coal Mines	218
2-28-1881	3	Walker's New Macedonia Church	120
3-1-1881	3	Arnold's Chapel	119
3-1-1881	2½	Alice Furnace	121
3-1-1881	3	Trussville;	
	3	Richaina Church;	
	3	Crumley's Chapel	122
4-1-1881	3	Pratt Mines School House	293
2-20-1883	3	Any coaling ground, coal mine, ore mine, factory, furnace or rolling mill in Beats Nos. 1, 2 and 3;	
	3	Hillman's Mines, Beat 9;	
	3	Woodward's Mines, Bethlehem Beat	245
2-23-1883	3	Wesley Chapel School House, Brock's Gap;	
	3	Toad Vine	282
12-11-1884	3	The general section of Act No. 245 of 1883 was amended to include Beat No. 17	126
2-17-1885	....	Beat No. 12;	
	5	Coalburg Mine;	
	3	Mines of Bibb Coal Co., except within incorporated towns	325
2-10-1887	1	Avondale Springs, except Birmingham	286
12-12-1888	5	Williamsburg Baptist Church	207
2-16-1889	....	Prohibition for Jefferson County, except incorporated towns	275
2-28-1889	....	Warrior Beat, No. 17;	
	5	Farewell Baptist, Laodicea and Hopewell Churches;	
	5	Union Grove School House;	
	5	Toggsell Mines;	
	5	Moins High School	504
12-13-1900	....	Charter of West End. § 24	225
2-28-1901	....	Charter of Sandusky. § 20	638

Date of the Act.	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.
			Number.
3-2-1901	2	Owenton College	805
3-2-1901	2	Hardee Chapel	868
3-5-1901	....	Dispensary for Ensley	1115
2-6-1903	....	Liccnse granted Sec. 17, twp. 17, s., Range 5 w.	83
3-3-1903	....	Dispensary for Warrior	180
10-1-1903	....	Dispensary for Morris	497
3-4-1907	....	Precinct 17, Warrior Beat	262
8-6-1907	1½	Dolcito Church, Precinct 11	598

Density of the Negro Population. In 1850 the number of negroes to one hundred of the white population was 34; in 1860, 29; in 1870, 25; in 1880, 28; in 1890, 57, and in 1900, 68.

¹This county is numbered "1" on the map of Plate No. 5.

LOWNDES COUNTY²

Date of the Act.	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.
			Number.
2-17-1854	1¼	Sandy Ridge Academy	418
2-17-1854	2	Lowndesboro Institute	436
1-27-1872	4	Hopewell Baptist Church and Magnolia Academy	184
2-24-1872	1½	Sandy Ridge Academy	176
12-13-1873	4	Lctohatchie Methodist Episcopal Church;	
	4	Tabernacle Methodist Episcopal Church;	
	4	Steep Creek Baptist Church;	
	4	Pleasant Valley Methodist Episcopal Church.	44
12-17-1873	2	Hopewell Methodist Episcopal Church and Academy	43
12-17-1874	3	Ash Creek Methodist and Baptist Churches.	245
3-15-1875	5	Hopewell Baptist Church and Magnolia Academy, near Mt. Willing	244
3-15-1875	4	Bethany Baptist Church and Academy	243
2-26-1881	....	Local Option except in towns and cities	192
2-28-1881	2	Haynesville Church;	
	7	Benton and Fort Deposit Churches	120
3-1-1881	5	Farmersville Methodist Episcopal Church ...	121
2-10-1887	....	Prohibition for Lowndes County, amending Act No. 192 of 1881	285
2-26-1903	....	Dispensary for Fort Deposit, Beat No. 10...	60

Density of the Negro Population. In 1850 the number of negroes to one hundred of the white population was 202; in 1860, 231; in 1870, 406; in 1880, 452; in 1890, 591, and in 1900, 649.

For a general statement of the social conditions in this county under prohibition, see *Economic Aspects of the Liquor Problem*, chap. vi, pp. 160-164 (Boston, 1899).

²This county is numbered "2" on the map of Plate No. 5.

NORTH CAROLINA

GASTON COUNTY³

Date of the Act	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.
			Number.
2-28-1873	2	Stanley Creek Camp Ground during time of meeting	46
4-3-1873	2	Mountain Island Factory	171
2-16-1879	1½	Lowell. § 10	62
3-13-1879	1½	Fellowship Church;	
	2	Bethesda; Lineberger's; Wilson's; Shiloh; Dallas; Kelley's; Concord; Friendship; Antioch, and Lander's Churches	232

Date of the Act.	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.
			Number.
2-19-1881	....	Local Option election granted Cherryville...	26
3-12-1881	1	Springfield Church; Dallas Academy;	
	2	Christ and Stanly Creek Churches;	
	3	Cartenea Grove; Mt. Zion; Mountain Isea Factory, and Union Presbyterian Churches;	
	3	Mt. Holly Academy; River Bend School House	234
2-21-1883	2	Philadelphia Church in South Point Township	43
3-12-1883	2	Shady Grove Church	166
2-25-1885	2	Dallas High School. § 9	38

³This county is numbered "1" on the map of Plate No. 5.

TABLE II—(Continued)

Date of the Act.	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.	Date of the Act.	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.
			Number.				Number.
3-11-1885	2	Goshen; Ebenezer; Pisgah; New Hope; Mc-Addinsville; Bethel; Smyrna; Mt. Olivet; Modely; Cross Roads; Trinity, and Olney Churches; School House in District 47...	179	2-16-1874	2	Prohibition for Lumberton repealed.....	137
3-7-1887	2	New Providence School House in River Bend Township	209	2-16-1874	4	Bethany Presbyterian; Ten Mile Swamp Baptist, and Montpelier Churches;	
3-9-1889	1½	Lowell. § 8	166		2	Back Swamp Baptist, and Claiborne Baptist Churches;	
3-11-1889	2	Mount Tabor and Long Creek Churches	362	3-2-1875	1	Raft Swamp Baptist Church	137
3-11-1889	1	Cherryville. § 8	214	3-22-1875	3	Ashpole Baptist Church	32
3-11-1889	1	Mount Holly. § 6	222	3-12-1877	3	Philadelphia Church	239
3-3-1891	....	Prohibition for Gaston County	222		4	Pleasant Grove Church;	
3-3-1891	3	Mountain Island. § 6	162		3	Ionia;	
3-7-1891	2	Belmont Academy	296		3	Lebanon Presbyterian Church and Union Chapel;	
3-9-1891	2	South Point and Snow Hill Churches;			2½	New Hope Church;	
	3	Mt. Zion Church	327		2	Providence Church	260
2-9-1893	....	Prohibition for Gaston County repealed	101	3-11-1881	5	Ashpole Institute and Church; Spring Hill; Jackson Swamp; Mt. Zion; Shoe Heel; Center; Mt. Moriah, and Zion Hill Churches;	
3-13-1895	2	South Point Church;			4	White Pond; Pleasant Hill; Asbury; Smith's; Barker's; Salem; Red Bank, and Reagan's Churches;	
	1	Stanly Creek Church; Mt. Zion and Medary Churches in Point Township;	426		3	New Hope Academy (No. 80);	
3-9-1897	2	Craig's School House	411			Bethany; Panther Ford, and Shady Grove Churches.....	234
3-9-1897	2	Cherryville and St. John's Ev. Lutheran Churches.....		1-23-1883	4	Bethany Presbyterian Church repealed;	
	1	Hepliziba; Lutheran Chapel; Union Chowder's; Mountain; Clover Garden; Orange; Antioch; Bessemer City, and Hickory Grove Churches;			3	Shady Grove Church repealed.....	22
	1	Bennington; Stanly Creek; Christ, and Springfield Churches	395	3-6-1883	....	License for Lumberton. § 46	89
2-28-1899	....	Gastonia. § 69	148	3-7-1883	....	Local Option Election for Shoe Heel.....	109
3-6-1899	....	Alexis. § 6	251	3-12-1883	5	Shoe Heel Church repealed.....	166
3-8-1899	3	Mount Hope Church in South Point Township and Melian's Church and School House (No. 11) in District 4	696	3-12-1883	1	Long Branch Church;	
3-11-1901	2	School Houses: Nos. 7, 8 and 9 in Cherryville Township; No. 11 (Providence) in River Bend Township; No. 17 in Gastonia Township;			2	Centre; Mt. Olivet, and Bethesda Churches;	
	2	Kellison's; Snow Hill, and Gastonea Churches;		3-11-1885	2	Parker's Grove School House	116
	2	Hardin Cotton Mills and High Shoals Mfg. Co.'s Mills in Dallas Township.....	554	3-7-1887	2	Red Springs Church	179
3-3-1903	....	Prohibition for Gaston County	349	3-7-1887	2	Lumberbridge Church.....	209
3-4-1905	....	The place of delivery made the place of sale.	440	1-25-1889	1	Red Springs	129
1-28-1908	....	Keeping of liquor prohibited.....	12	2-10-1891	2	Lumberton (including sale by druggists)....	160
				2-27-1891	5	Maxton. § 13.....	42
				3-3-1891	....	Lumberton	131
				3-9-1891	2	Lumberbridge. § 6	151
						Bloomingdale; Back Swamp; White Pond, and Hoy Swamp Churches;	
				3-6-1893	3	Magnolia; Saddle Tree; Ten Mile; Raft Swamp; Mt. Elim; Barker's; Regan; Bethesda; Maxton; Big Branch, and Long Branch Churches.....	327
						Aberdeen and Edenboro School Houses;	
				3-6-1893	....	Olive and Barker's Churches	298
				3-3-1897	....	Prohibition for Robeson County	475
				2-27-1899	....	Lumberton. § 11.....	88
				2-28-1899	3	Union City. § 11.....	112
				3-4-1899	5	Red Springs. § 44.....	155
				3-6-1899	2	Lumberton. § 44	215
				3-8-1899	3	Maxton	331
					5	Hillside Church;	
				2-8-1901	5	Montpelier Church	696
				2-23-1901	1	Ashpole Church	82
				2-27-1901	3	East Lumberton	139
				3-9-1901	3	Parkton.....	165
						Bethany; Smith's; Ashpole; Big Branch; Long Branch; Antioch, and Hillside Churches.....	476
				3-11-1901	3	Hillside; Bethany; Smith's Chapel; Ashpole; Big Branch; Long Branch, and Antioch Churches	554
				1-24-1903	....	Act No. 475 of 1893 amended, making the place of delivery the place of sale.....	27
				3-9-1903	4	Oak Grove Church	216
				3-4-1905	....	The place of delivery made the place of sale.	440

Density of the Negro Population. In 1850 the number of negroes to one hundred of the white population was 40; in 1860, 37; in 1870, 35; in 1880, 36; in 1890, 33, and in 1900, 49.

The area of Gaston County is 359 square miles.

The total area granted prohibition through special legislation, excepting the county act, was 1655 square miles.

Votes on State Prohibition. August 4, 1881: For, 946; against, 1174. May 26, 1908: For, 2058; against, 643.

ROBESON COUNTY¹

Date of the Act.	Area in Miles Radius.	The Center of the Area.	Chapter of the Act.
			Number.
1-27-1849	3	Floral College	185
1-28-1851	3	Antioch Academy	258
12-24-1852	3	Robeson Institute and Red Springs Academy.	179
2-22-1861	2	Spring Hill Academy	203
3-25-1870	3	Ashpole Church	80
2-8-1872	1½	St. Paul's Presbyterian and Ashpole Churches.	128
4-3-1873	4	Ashpole Baptist Church;	
	3	Big Branch; Beauty Spot; Ashpole Presbyterian; Mt. Moriah Baptist; Ashbury, and Horeb Churches;	
	2	Lumberbridge and Providence Churches;	
	2	Lumberton;	
	1	Union Chapel Methodist Episcopal Church..	171

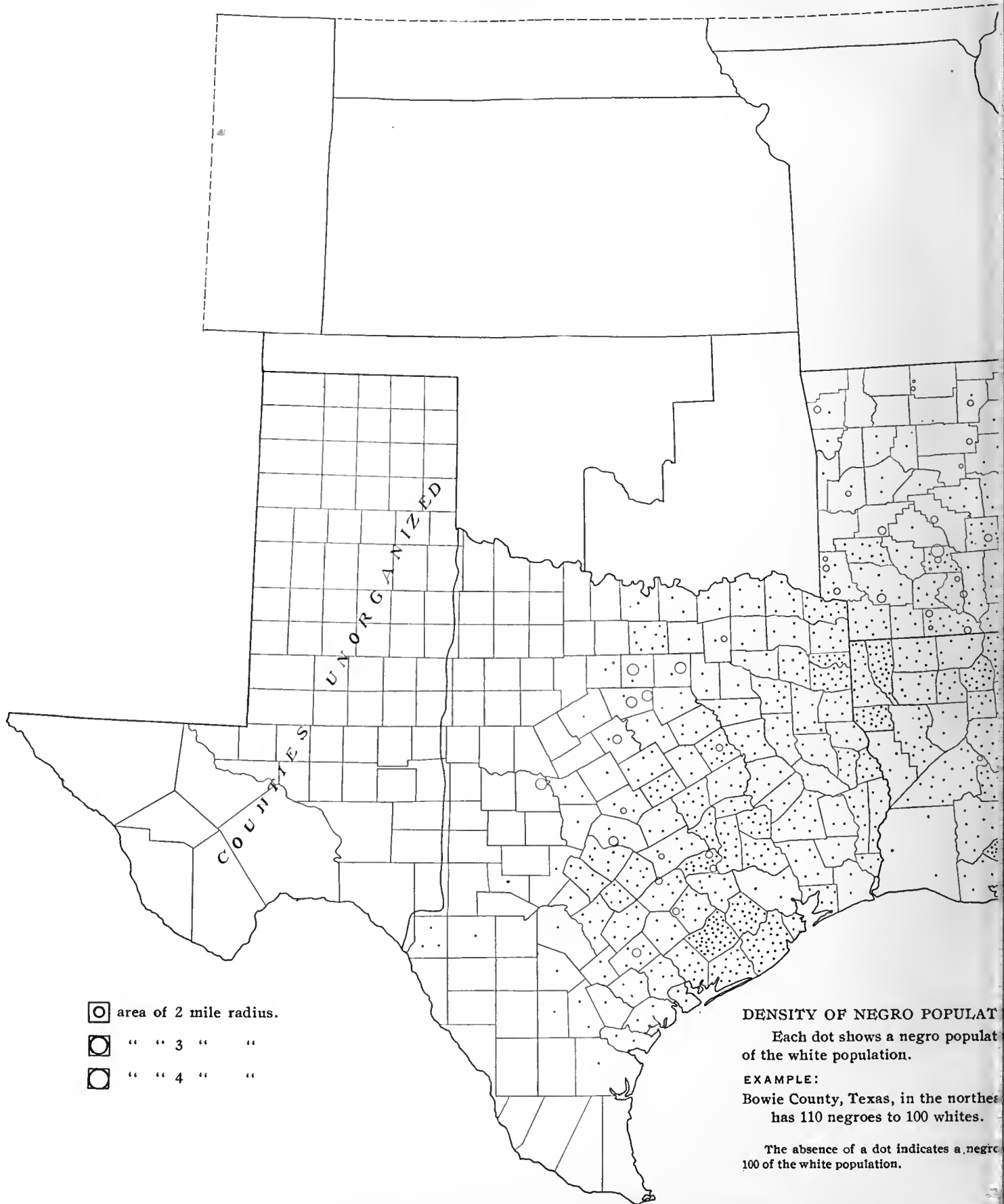
Density of the Negro Population. In 1850 the number of negroes to one hundred of the white population was 77; in 1860, 81; in 1870, 82; in 1880, 100; in 1890, 88, and in 1900, 86.

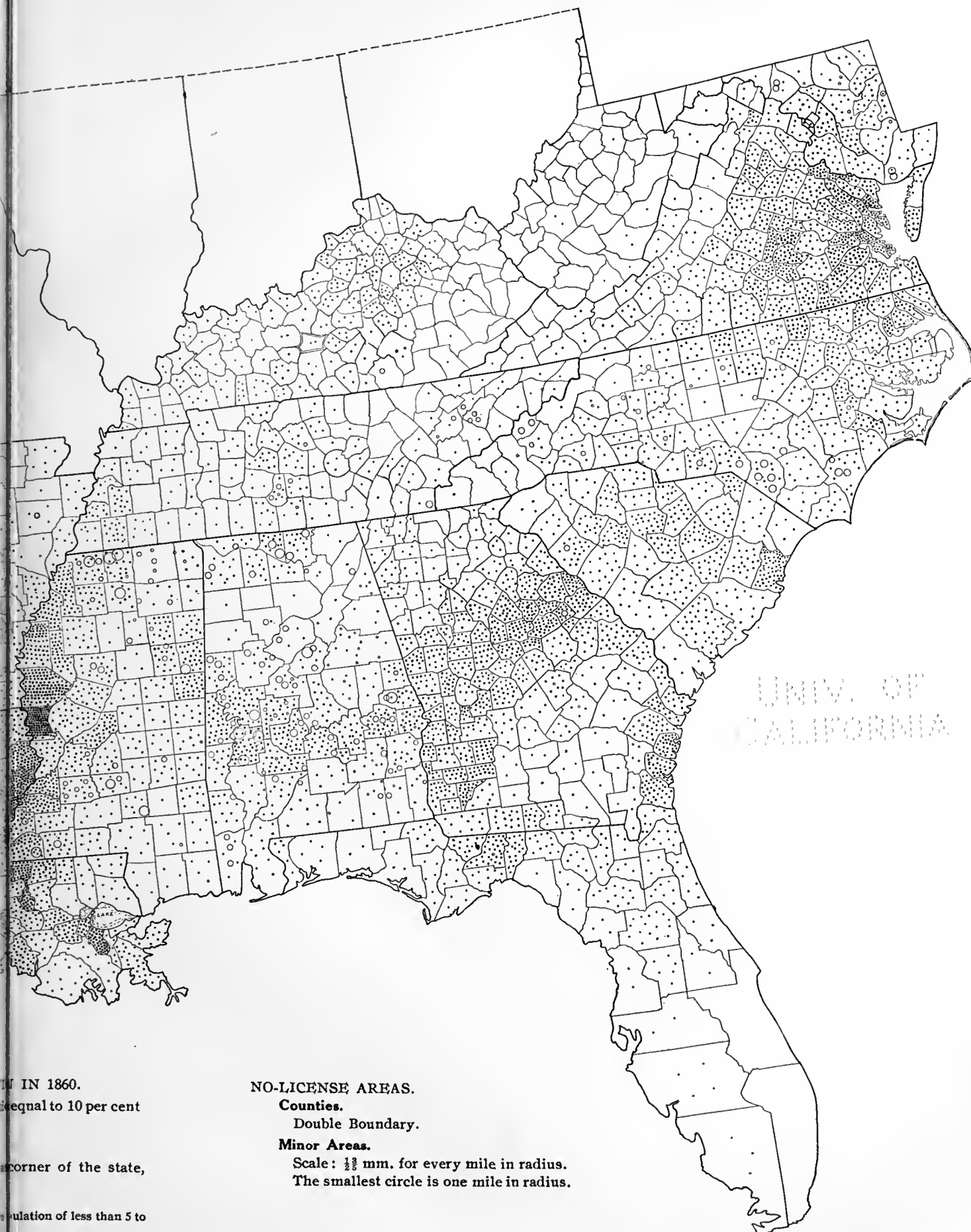
The area of Robeson County is 1043 square miles.

The total area granted prohibition through special legislation, excepting the county acts, was 2500½ square miles.

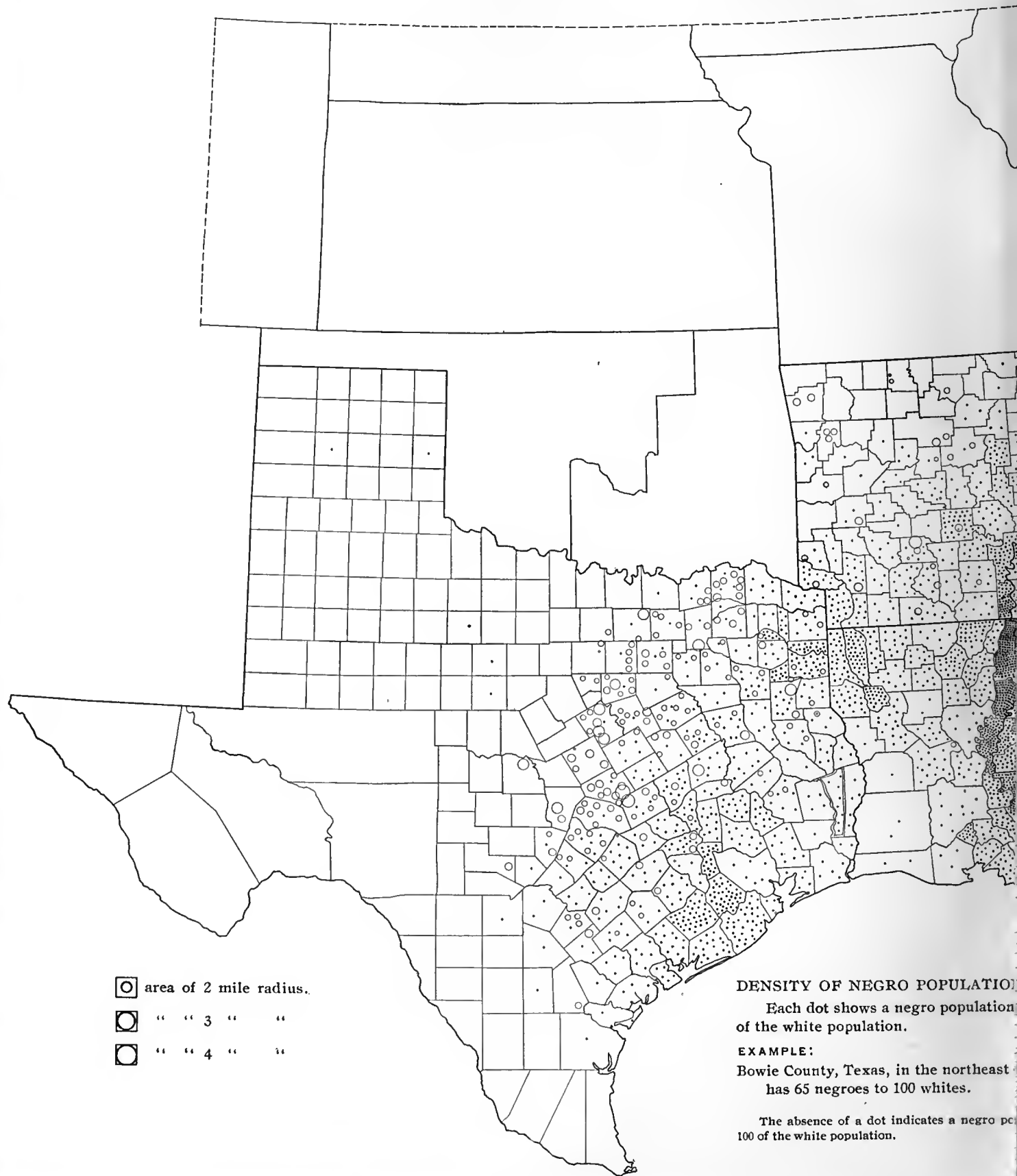
Votes on State Prohibition. August 4, 1881: For, 1203; against, 2591. May 26, 1908: For, 2275; against, 347.

¹ This county is numbered "2" on the map of Plate No. 5.



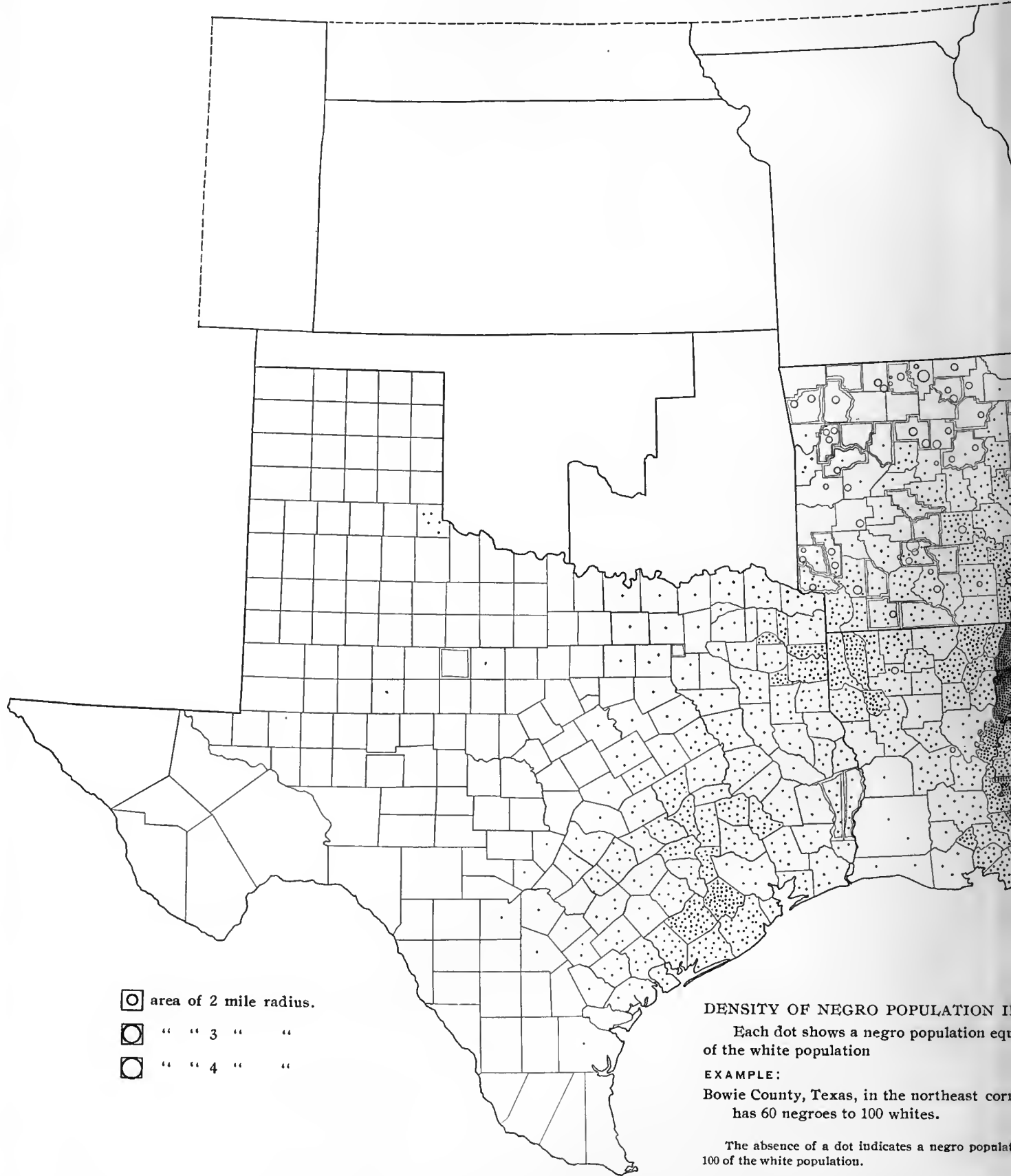


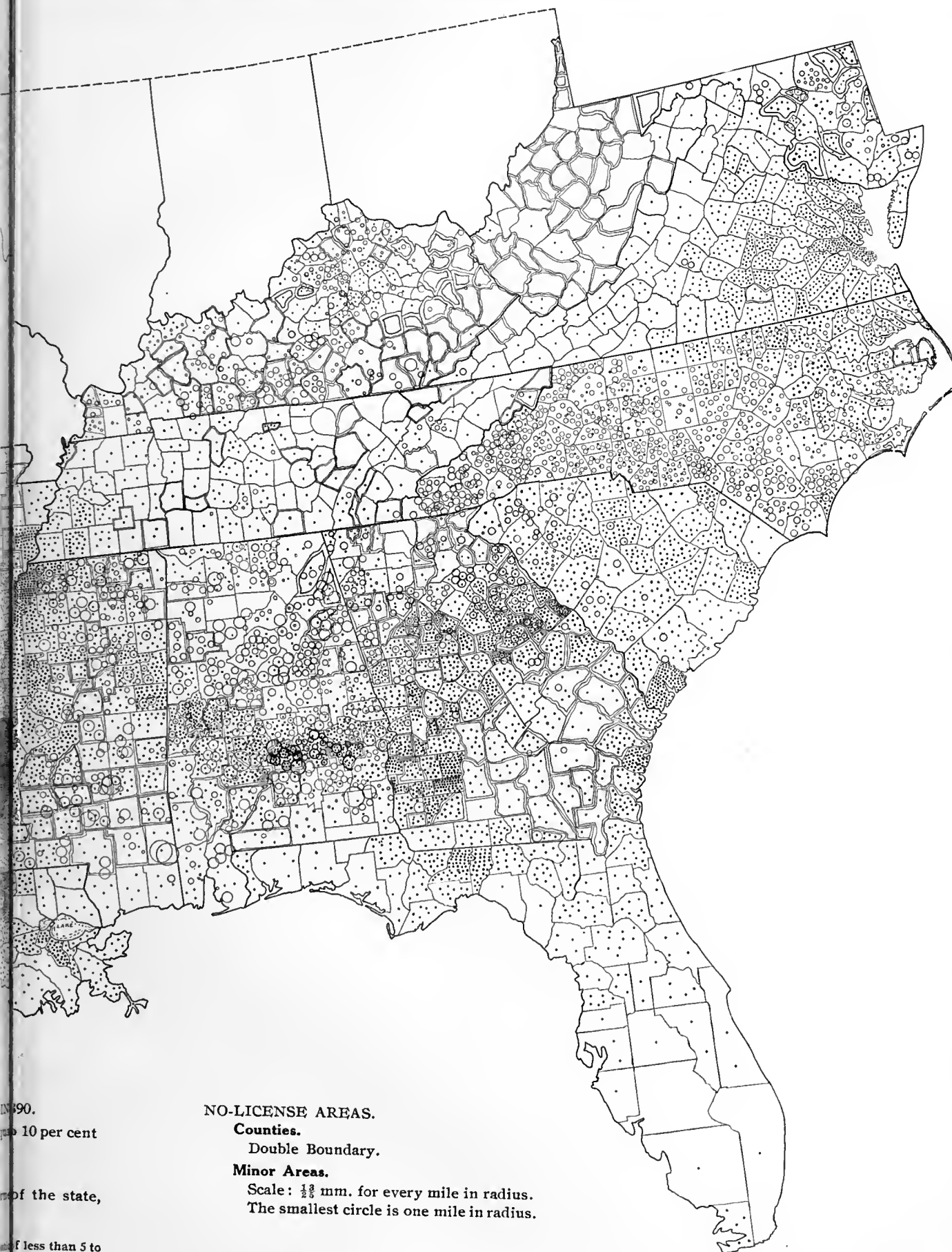
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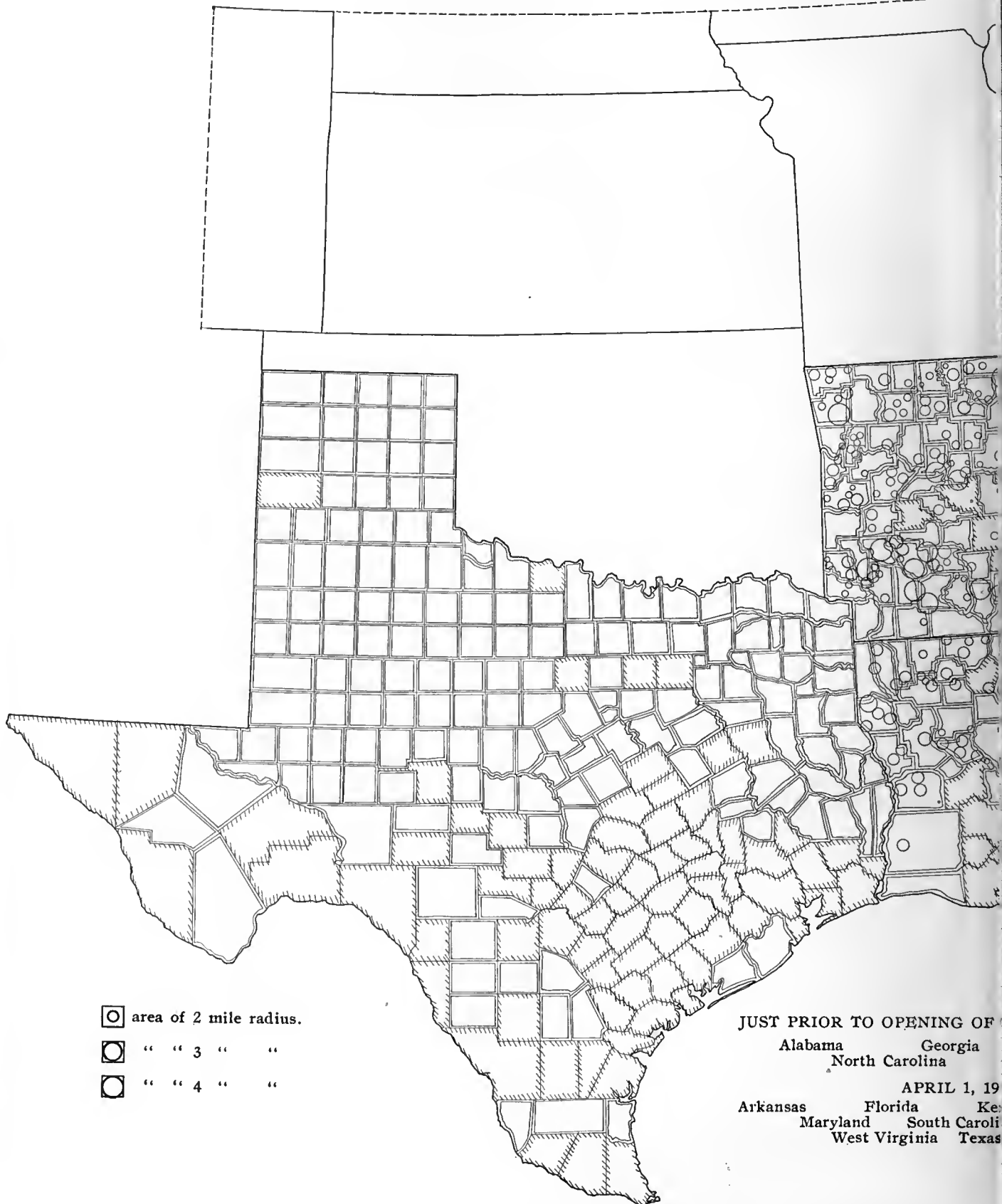


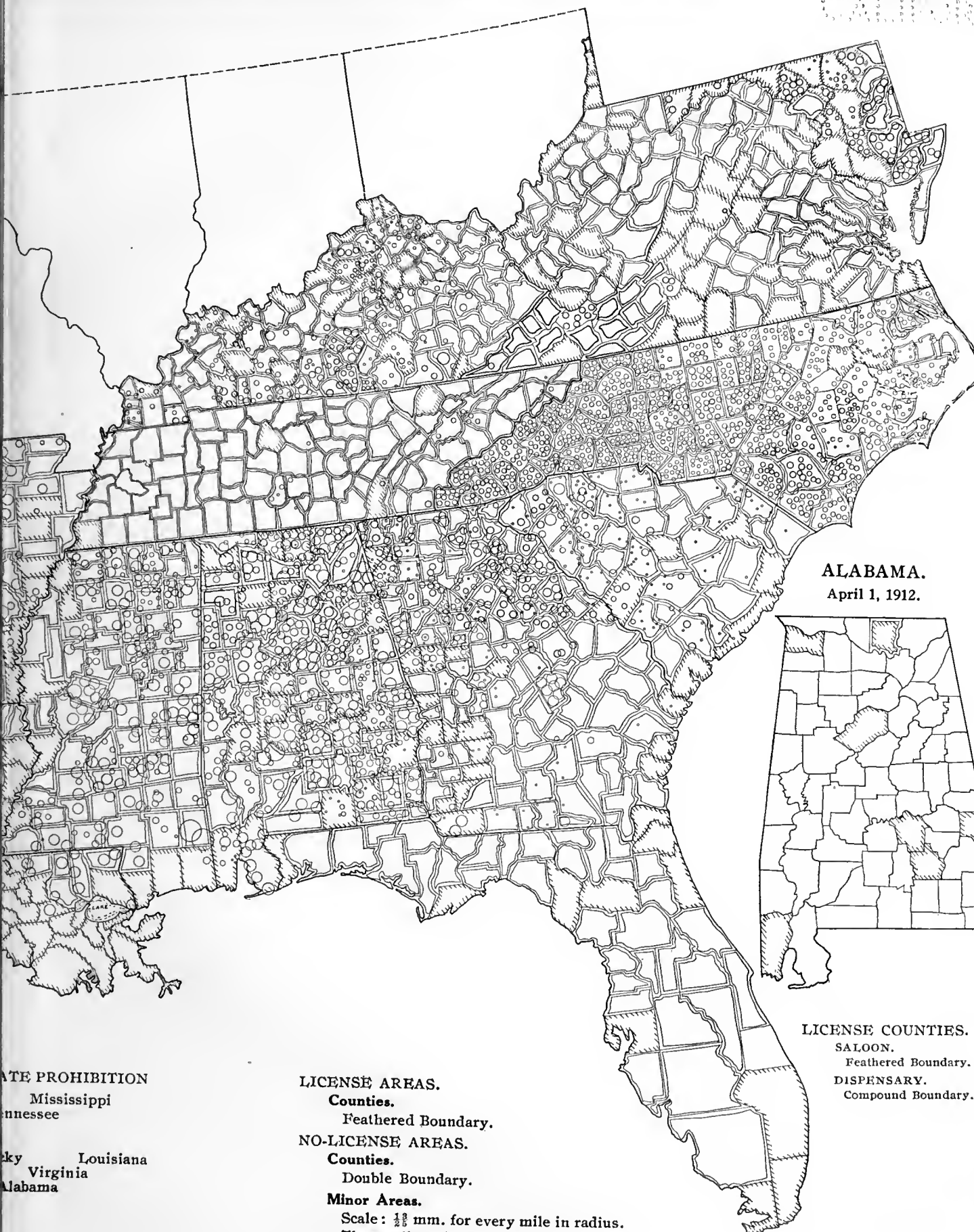


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ATE PROHIBITION

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DISTRIBUTION OF DISPENSARY COUNTIES IN SOUTHERN COMMONWEALTHS.

PLATE No. 5.

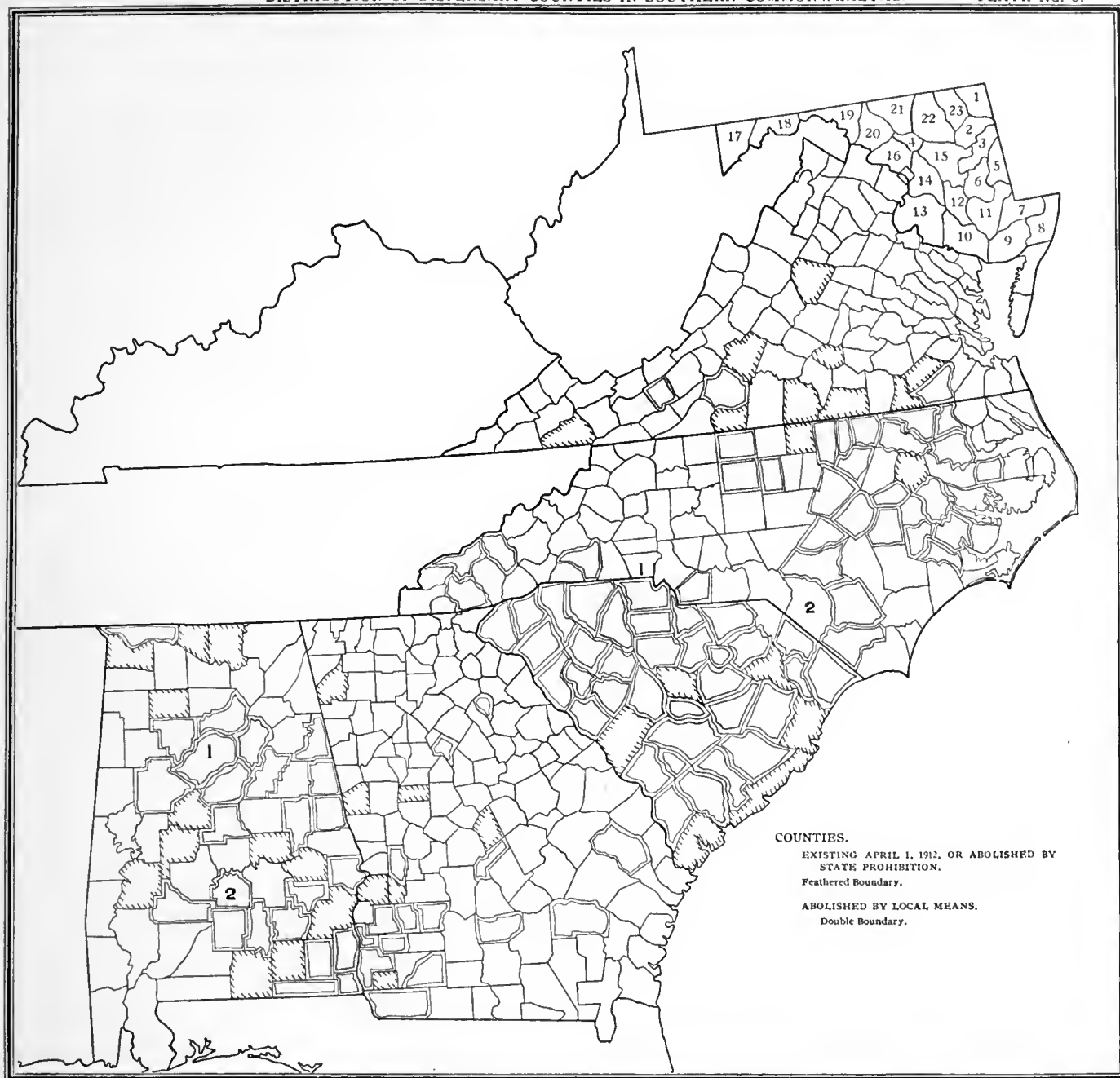


TABLE III

THE NET MONTHLY PROFITS OF THE SOUTH CAROLINA DISPENSARY

	Commonwealth.	County and Municipality.	Total.	Number of Dispensaries.	Total Monthly Profits.
The Tillman-Traxler Administration.					
For 19 months ending January 31, 1895.....	\$110,348.80	\$14,979.60	\$125,328.40	69	\$6,596.22
The Evans-Mixson Administration.					
For 11 months ending December 31, 1895.....	133,467.77	106,131.28	239,599.05	84	21,781.73
For 3 months ending March 31, 1896.....	....	....	74,375.03	88	24,791.67
Administration of the Board of Control.					
For 9 months ending December 31, 1896.....	....	....	280,829.91	90	31,203.32
For 12 months ending December 31, 1897.....	146,443.09	....	323,863.98	..	26,988.89
For 12 months ending December 31, 1898.....	156,809.61	91,716.45	248,526.06	93	20,710.50
For 12 months ending December 31, 1899.....	193,689.49	220,492.35	414,181.84	116§	34,515.50
Administration of the Board of Directors.					
For 11 months ending November 30, 1900.....	176,012.18*	298,166.28	474,178.46	118	43,107.13
For 12 months ending November 30, 1901.....	120,962.25	424,285.87	545,248.12	128	45,437.34
For 12 months ending November 30, 1902.....	123,699.57	443,198.76	566,898.33	138	47,241.52
For 12 months ending November 30, 1903.....	126,266.00	512,216.35	638,482.35	138	53,206.86
For 12 months ending November 30, 1904.....	171,377.73	603,998.22	775,375.95	146	64,614.06
For 12 months ending November 30, 1905.....	....	....	870,318.07	145	72,526.50
For 12 months ending November 30, 1906.....	23,883.14	552,092.80	575,975.94	122	47,997.99
For 3 months ending February 28, 1907.....	....	....	....	..	....
The County Dispensary System.					
For 10 months ending December 31, 1907.....	....	....	695,056.61	100	69,505.00
For 12 months ending December 31, 1908.....	....	....	934,600.90	90	77,883.41
For 11½ months ending December 31, 1909†.....	....	....	878,619.65	39	76,401.70
For 12 months ending December 31, 1910.....	....	....	652,248.59	40	54,354.05
For 12 months ending December 31, 1911.....	....	....	687,477.72	40	57,289.81
	Counties.	Municipalities.		Bar-rooms.	
For 12 months ending December 31, 1892.....	81,100.00	134,372.00	215,472.00 ‡	613	1,795.60

*The profits to the commonwealth were hereafter devoted to the public schools.

†The dispensaries were closed for two weeks prior to the election of August 17, 1909.

‡The profits to the municipalities probably exceeded this amount slightly. *Message of Governor Tillman*, Nov. 22, 1892, *Senate Journal*, 1892, p. 26.

§ During 1897 and 1898 owing to the adverse decisions of the courts the State Board of Control took advantage of an "implied right" in Section 4 of the Dispensary Law of 1897 and established beer dispensaries to contest the field of the illegitimate traffic in "original packages."

TABLE IV

THE RECORD OF THE BIENNIAL COUNTY VOTE ON LICENSE IN ARKANSAS

1. SUMMARY OF ELECTIONS

Number of counties.	Times voted.	Number of elections.
72	15	1080
2	14	28
1	13	13
Total, 75	.	1121

2. SUMMARY OF LICENSE CHANGES

Number of changes.	All counties.	Majority negro counties. ¹	Majority white counties.	Negro counties. ²	White counties. ³
0	14	5	9	5	.
1	10	1	9	.	.
2	6	2	4	.	.
3	21	3	18	1	4
4	3	1	2	.	.
5	14	3	11	.	2
6	3	1	2	.	.
7	4	.	4	.	1
Total . . .	75	16	59	6	7

3. CUMULATIVE FREQUENCY TABLE

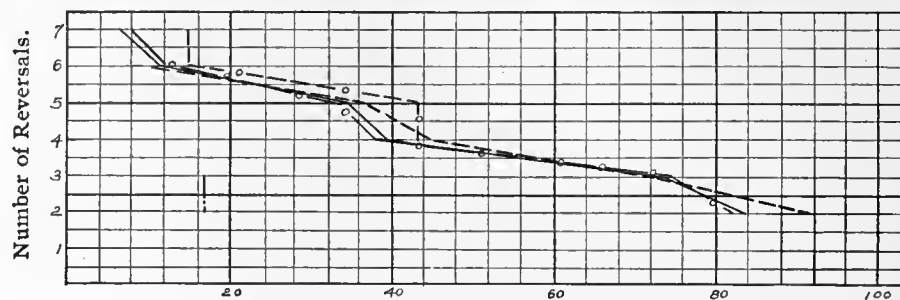
Number of changes.	All counties.	Majority ¹ negro counties.	Majority white counties.	Negro ² counties.	White ³ counties.
1	61	11	50	1	7
2	51	10	41	1	7
3	45	8	37	1	7
4	24	5	19	.	3
5	21	4	17	.	3
6	7	1	6	.	1
7	4	.	4	.	1

4. CUMULATIVE PERCENTAGE TABLE⁴

Number of changes.	All counties.	Majority ¹ negro counties.	Majority white counties.	Negro ² counties.	White ³ counties.
1	100.0	100.0	100.0	100.0	100.0
2	83.6	91.0	82.0	100.0	100.0
3	73.8	72.8	74.0	100.0	100.0
4	39.3	45.4	38.0	0.0	42.9
5	34.4	36.4	34.0	0.0	42.9
6	11.5	9.1	12.0	0.0	14.3
7	6.5	0.0	8.0	0.0	14.3

¹There were in 1900 sixteen counties with a majority of negro voters.²There were in 1900 six counties with more than 250 negro voters per hundred of white voters.³There were in 1900 seven counties with less than a two-tenths per cent negro voting population.⁴The graphs showing the results of the biennial elections in the different groups of counties are given in Figures 1, 2 and 3 on Plate No. 6.

Counties:
 All —
 Majority Negro ---
 Majority White o--o
 Negro ---
 White o---o



The percentage of the counties of each group.

Fig. 1. The reversals in the vote on license.

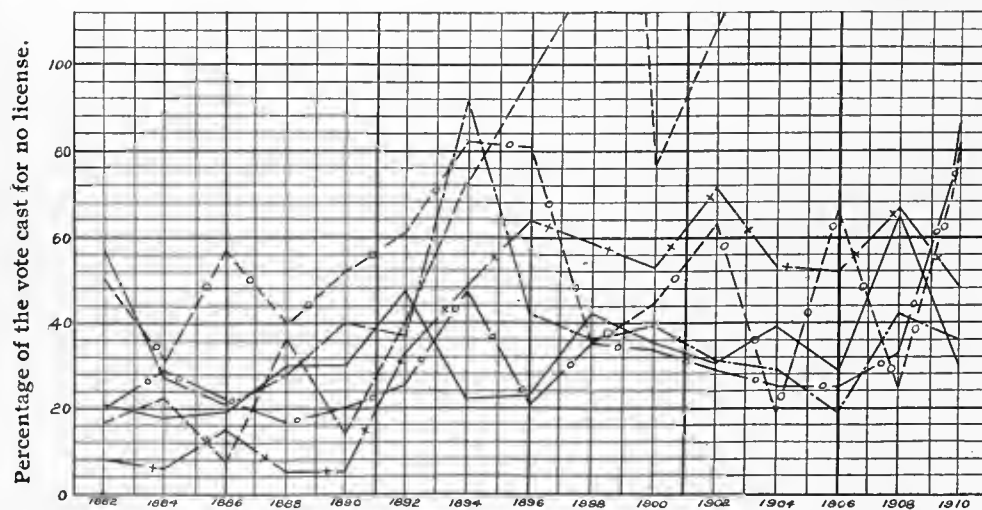


Fig. 2. Record of the vote on license in the six negro counties.

COUNTIES.

2 ---
 2 o--o
 3 —
 6 +---+
 8 ---
 10 o--o
 11 +---+

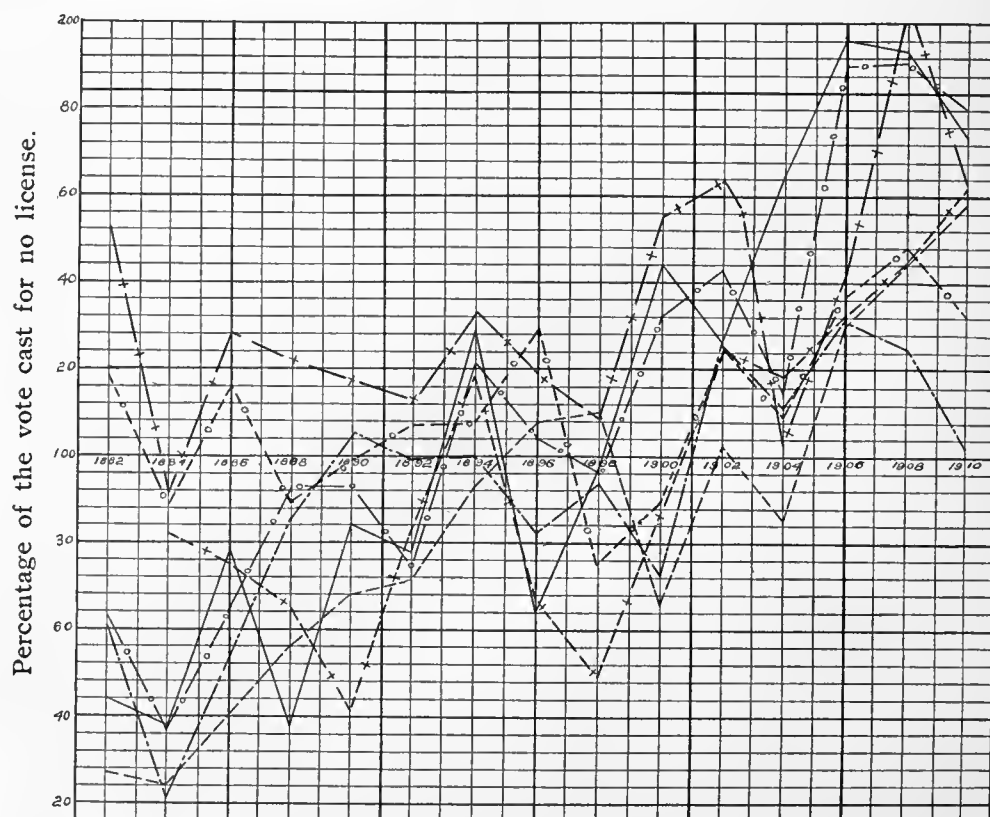


Fig. 3. Record of the vote on license in the seven white counties.

TABLE V
ELECTION STATISTICS FOR TEN MARYLAND COUNTIES

ANNE ARUNDEL COUNTY (15)¹

District.	Election 12-5-1882.		Registration for 1884.		Election 4-28-1886.		Registration for 1886.	
	Li- cense.	No-Li- cense.	White.	Col- ored.	Li- cense.	No-Li- cense.	White.	Col- ored.
1-a. Butler	249	198	425	475	....	....	....	....
-b. Dove's	126	125	....	....	....	....	....	....
2. Lusby	231	335	400	421	....	....	....	....
3. Waterford	253	208	459	448	....	....	....	....
4. Lowman	274	258	583	213	....	....	....	....
5-a. Brooklyn	173	87	279	118	161	126	320	132
-b. Regnold	50	137	176	161	....	....	....	....
6. Annapolis								
Ward 1	113	333	441	170	295	146	441	177
Ward 2	118	241	371	101	241	119	381	98
Ward 3	107	315	196	355	289	127	190	339
7. New Place	212	279	460	452	....	....	....	....
Total	1906	2516	3790	2914	986	518	1332	746

Registration, 1882. White, 3061; Colored, 2656.

Registration, 1883. White, 3618; Colored, 2768.

CALVERT COUNTY (12)

District.	Election 11-5-1876.		Registration for 1884.	
	License.	No-License.	White.	Colored.
1-a. Solomon's Island	216	232	156	131
-b. St. Leonard .....	....	....	288	354
2. Prince Frederick	139	401	365	297
3. Lower Marlboro	287	364	382	330
Total	642	997	1191	1112

Registration, 1882. White, 922; Colored, 997.

Registration, 1883. White, 1133; Colored, 1107.

CHARLES COUNTY (13)

District.	Election 11-5-1876.		Election 11-2-1880.		Registration for 1884.		Election 8-4-1885.		Registration for 1885.	
	License.	No-License.	License.	No-License.	White.	Colored.	License.	No-License.	White.	Colored.
1. Port Tobacco	247	91	205	144	178	245	215	50	185	246
2. Hill Top	146	50	169	74	192	188	130	41	200	175
3. Cross Roads	176	64	176	65	229	206	185	36	240	208
4. Allens Fresh	235	70	235	176	261	271	198	57	256	260
5. Harris Lot	249	74	21	282	186	237	214	57	200	270
6. Middletown	255	99	273	121	262	176	165	116	271	177
7. Pamunky	122	54	138	94	134	142	111	45	149	152
8. Bryantown	211	150	309	156	279	245	232	82	289	239
9. Patuxent	123	85	181	58	119	138	131	19	124	146
Total	1764	737	1707	1160	1840	1848	1581	503	1914	1873

Registration, 1882. White, 1697; Colored, 1860.

Registration, 1883. White, 1749; Colored, 1966.

HOWARD COUNTY (4)

District.	Election 12-5-1882.		Registration for 1884.	
	License.	No-License.	White.	Colored.
1. Elk Ridge	105	236	382	138
2. Ellicott City	250	274	526	210
3. Friendship	156	199	394	133
4. Lisbon	191	262	543	170
5. Clarkville	228	254	393	156
6. Savage	159	223	454	161
Total	1089	1448	2692	968

Registration, 1882. White, 2429; Colored, 865.

Registration, 1883. White, 2645; Colored, 900.

Ellicott City, Election 11-6-1888. License, 321; No-License, 321. Registration. White, 559; Colored, 172.

KENT COUNTY (2)

District.	Registration for 1884.		Election 5-10-1890.		Registration for 1890.	
	White.	Colored.	License.	No-License.	White.	Colored.
1-a. Masseys	825	497	340	250	685	354
-b. Galena .....	....	....	....	....	....	....
2. Kennedyville	469	355	106	383	526	315
3. Worton	378	282	76	292	350	245
4. Chestertown	440	368	191	555	740	455
5. Edesville	181	181	135	600	712	319
6. Fairlee	656	292	....	....	....	....
7. Pomona .....	....	....	....	....	....	....
Total	2949	1975	848	2080	3013	1688

Registration, 1882. White, 2249; Colored, 1587.

Registration, 1883. White, 2630; Colored, 1725.

MONTGOMERY COUNTY (16)

District.	Election 11-2-1880.		Registration for 1884.	
	License.	No-License.	White.	Colored.
1. Laytonsville	255	261	287	159
2. Clarksburg	279	463	341	110
3. Poolesville	344	512	354	255
4. Rockville	404	544	478	178
5. Colesville	282	608	745	302
6. Darnestown	103	275	222	141
7. Bethesda	120	234	285	115
8. Olney	114	534	330	379
9. Gaithersburg .....	....	....	313	127
10. Potomac .....	....	....	228	83
11. Barnesville .....	....	....	272	142
12. Damascus .....	....	....	311	43
13. Wheaton .....	....	....	....	....
Total	1901	3431	4166	2034

Registration, 1882. White, 3822; Colored, 1856.

Registration, 1883. White, 4087; Colored, 1933.

¹ The number of the county indicated on Plate No. 5.

THE SALE OF LIQUOR IN THE SOUTH

TABLE V--(Continued)

PRINCE GEORGE COUNTY (14)¹

District.	Election 4-27-1880.		Registration for 1884.		Election 11-4-1884.		Election 5-2-1908.	
	Li-cense.	No-Li-cense.	White.	Col-ored.	Li-cense.	No-Li-cense.	Li-cense.	No-Li-cense.
1. Vansville	45	129	319	120	160	194	10	34
2. Bladensburg ..	....	42*	388	213	279	221	152	126
3. Marlboro	471	148	355	535	578	184	188	181
4. Nottingham ..	....	69*	181	228	250	114	94	144
5. Piscataway	3*	....	283	192	329	57	102	99
6. Spalding	29*	....	425	118	266	139	112	55
7. Queen Anne ..	184*	....	250	310	259	238	171	121
8. Aquasco .....	....	114*	172	161	107	167	42	32
9. Surratts .....	....	110*	187	92	150	97	27	54
10. Laurel	68	179	384	67	173	214	61	140
11. Brandywine ...	....	98*	192	197	197	106	91	154
12. Oxon .....	....	90*	287	141	173	146	103	104
13. Kent .....	....	94*	241	156	205	74	121	79
14. Bowie	26*	....	253	141	161	171	148	128
15. Melwood .....	....	39*	....	....	....	....	161	77
Total .....	....	286*	3917	2671	3287	2122	1583	1528

* Majority.

Registration, 1882. White, 3054; Colored, 2287.
 Registration, 1883. White, 3494; Colored, 2461.

QUEEN ANNE COUNTY (3)

District.	Election 7-14-1874.		Election 11-7-1882.		Registration for 1884.	
	License.	No-License.	License.	No-License.	White.	Colored.
1-a. Dixon .....	....	....	....	....	....	....
-b. Sudlersville ..	....	....	....	....	525	212
2. Church Hill ..	281	212	200	293	468	203
3. Centerville ..	454	265	362	595	604	389
4. Kent Island ..	....	....	....	....	266	212
5. Queenstown ..	247	128	331	243	454	267
6. Ruthsburg ...	....	....	....	....	295	132
7. Crumpton ...	....	....	115	293	324	133
Total	982	605	1008	1424	2936	1548

Registration, 1882. White, 2658; Colored, 1472.
 Registration, 1883. White, 2828; Colored, 1530.

ST. MARY COUNTY (10)

District.	Election 8-16-1884.		Registration for 1884.	
	License.	No-License.	White.	Colored.
1. St. Inigoes	265	42	169	254
2. Valley Lee	172	84	213	181
3. Leonardtown	450	58	440	321
4. Chaptico	226	67	253	219
5. Mechanicsville	223	66	204	227
6. Hillville	240	71	271	204
7. Milestown	236	34	192	204
8. Centerville	205	76	205	196
9. St. George Island .....	....	....	....	....
Total	2017	498	1947	1806

Registration, 1882. White, 1717; Colored, 1707.
 Registration, 1883. White, 1920; Colored, 1657.

TALBOT COUNTY (6)

District.	Election 7-17-1874.		Registration for 1884.	
	License.	No-License.	White.	Colored.
1. Easton	273	425	816	458
2. St. Michael, precinct 1	98	429	134	130
Broad Creek, precinct 2 .....	....	....	333	175
Royal Oak, precinct 3 .....	..	....	116	42
3. Trappe, precinct 1 .....	....	....	144	163
precinct 2	163	286	506	389
Oxford, precinct 3 .....	....	....	253	113
4. Chapel	157	152	471	221
5. Bay Hundred, precinct 1	36	113	188	105
Tilghman, precinct 2 .....	....	....	143	5
Total	727	1405	3104	1801

Registration, 1882. White, 2693; Colored, 1612.
 Registration, 1883. White, 2949; Colored, 1738.
 Chapel, Election 7-9-1884. License, 319; No-License, 203.

¹ The number of the county indicated on Plate No. 5.

TABLE VI

LEGISLATION RELATING TO THE SALE OF LIQUOR IN THE SOUTH AND OTHER SOURCES OF INFORMATION

ALABAMA				Session of October		5, 1829	Session of January		9, 1893			
SESSION LAWS				Session of November		18, 1872	Session of January		14, 1895			
Session of November	1821			" "	November	17, 1873	" "	January	11, 1897			
" " November	1822			" "	November	16, 1874	" "	January	9, 1899			
" " November	1823			" "	December	28, 1875	" "	January	14, 1901			
" " November	1824			" "	November	1876	" "	January	2, 1903			
" " November	1825			" "	November	1878	" "	January	9, 1905			
" " November	1826			" "	November	1880	" "	January	14, 1907			
" " November	1827			" "	November	1882	" "	January	11, 1909			
" " November	1828			" "	November	1884	" "	January	9, 1911			
" " November	1829			" "	November	1886	<i>Reports of Auditor of State</i> Biennial Report for year ending— September 30, 1880 September 30, 1882 September 30, 1884 September 30, 1886 September 30, 1888 September 30, 1890 September 30, 1894 September 30, 1896 September 30, 1898 September 30, 1902					
" " November	1830			" "	November	13, 1888						
" " November	1831			" "	November	11, 1890						
" " November	1832			" "	November	15, 1892						
" " November	1833			" "	November	13, 1894						
" " November	1834			" "	November	15, 1898						
" " November	1835			" "	November	13, 1900						
" " November	1836			" "	January	13, 1903						
" " June 12,	1837			" "	January	3, 1905						
" " November	1837			" "	January	8, 1907						
" " December	1838			" "	July	1907	<i>Reports of Secretary of State</i> Biennial Report for year ending— December 31, 1880 December 31, 1882 December 31, 1884 December 31, 1886 December 31, 1888 December 31, 1890 December 31, 1892 December 31, 1894 December 31, 1896 December 31, 1898 December 31, 1900 December 31, 1902 December 31, 1904 December 31, 1906 December 31, 1908 December 31, 1910					
" " December	1839			" "	July	27, 1909						
" " November	1840			" "	January	10, 1911						
" " April	1841			<i>Reports of Auditor of State</i> Report for the year ending— September 30, 1884 September 30, 1885 September 30, 1886 September 30, 1887 September 30, 1888 September 30, 1889 September 30, 1890 September 30, 1891 September 30, 1892 September 30, 1893 September 30, 1894 September 30, 1895 September 30, 1896 September 30, 1897 September 30, 1898 September 30, 1899 September 30, 1900 September 30, 1901 September 30, 1902 September 30, 1903 September 30, 1904 September 30, 1905 September 30, 1906 September 30, 1907 September 30, 1908 September 30, 1909								
" " November	1841											
" " December	1842											
" " December	1843											
" " December	1844											
" " December	1845											
" " December	1847											
" " November	1849											
" " November	1851											
" " November	1853											
" " November	1855											
" " December	1857											
" " November	1859											
" " January	1861											
" " October 28,	1861											
" " October 27,	1862											
" " November	1862											
" " August 17,	1863											
" " November	1863											
" " October 7,	1864											
" " November 2,	1864											
" " November	1865											
" " November	1866											
" " July 13,	1868											
" " September 16,	1868											
" " November 2,	1868											
" " November	1869											
" " November 21,	1870											
" " November 20,	1871											
ARKANSAS				Session of October		1823	FLORIDA					
SESSION LAWS				Session of October		1823	SESSION LAWS					
Session of	1818			" "	October	3, 1825	Session of January	3, 1831	Session of November	23, 1846		
" "	1820			" "	October	1, 1827	" "	January	3, 1832	" "	November	22, 1847
" "	October	1821		" "	October	6, 1828	" "	January	7, 1833	" "	November	27, 1848
				" "			" "	January	6, 1834	" "	November	25, 1850
				" "			" "	January	6, 1836	" "	November	22, 1852
				" "			" "	January	4, 1836	" "	November	27, 1854
				" "			" "	January	2, 1837	" "	November	26, 1855
				" "			" "	January	1, 1838	" "	November	24, 1856
				" "			" "	January	6, 1839	" "	November	22, 1858
				" "			" "	January	6, 1840	" "	November	28, 1859
				" "			" "	January	4, 1841	" "	November	26, 1860
				" "			" "	March	5, 1842	" "	November	18, 1861
				" "			" "	January	2, 1843	" "	November	17, 1862
				" "			" "	January	1, 1844	" "	November	16, 1863
				" "			" "	January	6, 1845	" "	November	21, 1864
				" "			" "	November	17, 1845	" "	December	18, 1865

TABLE VI—(Continued)

Session of November 14, 1866	Session of 1885	September 30, 1885	September 30, 1897
" " July 16, 1868	" " 1887	September 30, 1886	September 30, 1898
" " January 26, 1869	" " 1889	September 30, 1887	September 30, 1899
" " June 8, 1869	" " 1891	September 30, 1888	September 30, 1900
" " January 1870	" " 1893	September 30, 1889	September 30, 1901
" " May 23, 1870	" " 1895	September 30, 1890	September 30, 1902
" " January 1871	" " 1897	September 30, 1891	September 30, 1903
" " April 22, 1872	" " 1899	September 30, 1892	December 31, 1904
" " February 22, 1873	" " 1901	September 30, 1893	December 31, 1905
" " February 18, 1874	" " 1903	September 30, 1894	December 31, 1906
" " February 15, 1875	" " April 10, 1905	September 30, 1895	December 31, 1907
" " February 15, 1877	" " April 2, 1907	September 30, 1896	December 31, 1908
" " February 20, 1879	" " April 6, 1909		
" " 1881	" " April 4, 1911		
" " 1883			

Henry A. Scomp, *King Alcohol in the Realm of King Cotton* (a history of the liquor traffic and of the temperance movement in Georgia from 1733 to 1887). Chicago, 1888.

GEORGIA

SESSION LAWS		Session of November 1863	
Session of November 1810	" " March 1864	" " November 1864	
" " November 1811	" " February 1865	" " December 1865	
" " November 1812	" " November 1866	" " July 4, 1868	
" " November 1813	" " January 13, 1869	" " July 1870	
" " November 1815	" " July 1871	" " July 1872	
" " November 1816	" " January 1873	" " January 1874	
" " November 1817	" " January 1875	" " January 1876	
" " November 1818	" " January 1877	" " 1878-79	
" " November 1819	" " 1880-81	" " 1882-83	
" " November 1820	" " 1884-85	" " 1886	
" " April 1821	" " 1886-87	" " 1888	
" " November 1821	" " 1889	" " 1890	
" " November 1822	" " 1891	" " 1892	
" " November 1823	" " 1893	" " 1894	
" " November 1824	" " 1895	" " 1896	
" " May 1825	" " 1897	" " 1898	
" " November 1825	" " 1899	" " 1900	
" " November 1826	" " 1901	" " 1902	
" " November 1827	" " 1903	" " 1904	
" " November 1828	" " 1905	" " 1906	
" " November 1829	" " 1907	" " 1908	
" " November 1830	" " 1909	" " August 1910	
" " November 1831	" " August 1911		
" " November 1832			
" " November 1833			
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" " November 1853			
" " November 1855			
" " November 1857			
" " November 1858			
" " November 1859			
" " November 1860			
" " November 1861			
" " November 1862			
" " March 1863			

Reports of the Comptroller
General

Report for the year ending—
September 30, 1884

KENTUCKY

SESSION LAWS		Session of December 5, 1859	
Session of December 12, 1808	" " January 17, 1861	" " June 6, 1861	
" " December 3, 1810	" " September 2, 1861	" " November 27, 1861	
" " December 2, 1811	" " February 12, 1862	" " August 14, 1862	
" " December 7, 1812	" " January 8, 1863	" " December 7, 1863	
" " December 6, 1813	" " December 4, 1865	" " January 3, 1867	
" " December 5, 1814	" " December 2, 1867	" " January 1869	
" " December 4, 1815	" " December 6, 1869	" " December 1871	
" " December 2, 1816	" " January 1871	" " December 4, 1871	
" " December 1, 1817	" " December 1873	" " January 1873	
" " December 7, 1818	" " December 1, 1873	" " December 31, 1875	
" " December 6, 1819	" " December 31, 1877	" " December 31, 1879	
" " October 16, 1820	" " January 31, 1879	" " December 31, 1879	
" " October 15, 1821	" " December 31, 1881	" " November 28, 1881	
" " May 13, 1822	" " December 31, 1883	" " December 31, 1885	
" " October 21, 1822	" " December 30, 1887	" " December 30, 1889	
" " November 3, 1823	" " December 30, 1891	" " August 25, 1892	
" " November 1, 1824	" " November 15, 1892	" " January 2, 1894	
" " November 7, 1825	" " January 7, 1896	" " March 13, 1897	
" " December 4, 1826	" " January 4, 1898	" " January 20, 1900	
" " December 3, 1827	" " August 28, 1900	" " January 7, 1902	
" " December 1, 1828	" " January 2, 1904	" " January 2, 1905	
" " December 7, 1829	" " January 2, 1906	" " March 14, 1906	
" " December 6, 1830	" " January 7, 1908	" " January 4, 1910	
" " November 7, 1831	" " January 1912		
" " December 3, 1832			
" " December 31, 1833			
" " December 31, 1834			
" " December 28, 1835			
" " December 1836			
" " December 1837			
" " December 1838			
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" " December 1848			
" " December 1849			
" " November 1850			
" " November 1851			
" " November 1852			
" " December 31, 1853			
" " December 31, 1855			
" " December 7, 1857			

Reports of State Auditor

Report for the year ending—
October 10, 1869
October 10, 1870
October 10, 1871

TABLE VI—(Continued)

October 10, 1872	June 30, 1892	Session of May	14, 1906	Session of May	9, 1910
October 10, 1873	June 30, 1893	" " November	11, 1907	" " August	15, 1910
October 10, 1874	June 30, 1894	" " May	11, 1908	" " November	28, 1910
October 10, 1875	June 30, 1895				
October 10, 1876	June 30, 1896				
October 10, 1877	June 30, 1897				
October 10, 1878	June 30, 1898				
October 10, 1879	June 30, 1899				
October 10, 1880	June 30, 1900				
October 10, 1881	June 30, 1901				
June 30, 1882	June 30, 1902				
June 30, 1883	June 30, 1903				
June 30, 1884	June 30, 1904				
June 30, 1885	June 30, 1905				
June 30, 1886	June 30, 1906				
June 30, 1887	June 30, 1907				
June 30, 1888	June 30, 1908				
June 30, 1889	June 30, 1909				
June 30, 1890	June 30, 1910				
June 30, 1891	June 30, 1911				

LOUISIANA

SESSION LAWS			Session of January		
Session of July	27, 1812	"	"	January	21, 1856
" " November	23, 1812	"	"	January	19, 1857
" " January	3, 1814	"	"	January	18, 1858
" " November	10, 1814	"	"	January	17, 1859
" " January	3, 1816	"	"	January	6, 1860
" " November	18, 1816	"	"	December	21, 1861
" " January	5, 1818	"	"	January	1862
" " January	5, 1819	"	"	January	1863
" " January	3, 1820	"	"	May	4, 1863
" " November	20, 1820	"	"	October	4, 1864
" " January	7, 1822	"	"	November	3, 1865
" " January	6, 1823	"	"	January	22, 1866
" " January	6, 1824	"	"	January	28, 1867
" " November	15, 1824	"	"	June	1867
" " January	2, 1826	"	"	June	29, 1868
" " January	1, 1827	"	"	January	4, 1869
" " January	7, 1828	"	"	January	8, 1870
" " December	8, 1828	"	"	March	7, 1870
" " 1829-30		"	"	January	2, 1871
" " January	4, 1830	"	"	January	1, 1872
" " January	31, 1831	"	"	December	9, 1872
" " November	14, 1831	"	"	January	5, 1874
" " January	2, 1832	"	"	January	4, 1875
" " January	7, 1833	"	"	April	14, 1875
" " December	9, 1833	"	"	January	3, 1876
" " January	5, 1835	"	"	January	1, 1877
" " January	4, 1836	"	"	March	2, 1877
" " January	2, 1837	"	"	January	7, 1878
" " December	11, 1837	"	"	January	6, 1879
" " January	7, 1839	"	"	January	12, 1880
" " January	6, 1840	"	"	December	5, 1881
" " January	4, 1841	"	"	December	26, 1881
" " December	13, 1841	"	"	May	8, 1882
" " January	2, 1843	"	"	May	12, 1884
" " January	1, 1844	"	"	May	10, 1886
" " January	6, 1845	"	"	May	14, 1888
" " December	9, 1846	"	"	May	12, 1890
" " January	11, 1847	"	"	May	9, 1892
" " January	17, 1848	"	"	May	14, 1894
" " December	4, 1848	"	"	April	11, 1896
" " January	21, 1850	"	"	May	16, 1898
" " January	19, 1852	"	"	August	8, 1899
" " January	17, 1853	"	"	May	14, 1900
" " January	16, 1854	"	"	May	12, 1902
" " January	15, 1855	"	"	December	10, 1903
		"	"	May	9, 1904

MARYLAND

SESSION LAWS			Session of		
			January	1,	1868
Session of	November	3, 1800	" "	January	5, 1870
" "	November	2, 1801	" "	January	3, 1872
" "	November	1, 1802	" "	January	7, 1874
" "	November	7, 1803	" "	January	5, 1876
" "	November	5, 1804	" "	January	7, 1878
" "	November	4, 1805	" "	January	7, 1880
" "	November	3, 1806	" "	January	4, 1882
" "	November	2, 1807	" "	January	2, 1884
" "	June	9, 1809	" "	January	6, 1886
" "	November	5, 1810	" "	January	4, 1888
" "	November	4, 1811	" "	January	1, 1890
" "	June	15, 1812	" "	January	6, 1892
" "	November	2, 1812	" "	January	3, 1894
" "	December	6, 1813	" "	January	1, 1896
" "	December	5, 1814	" "	January	5, 1898
" "	December	4, 1815	" "	January	3, 1900
" "	December	2, 1816	" "	March	6, 1901
" "	December	1, 1817	" "	January	1, 1902
" "	December	7, 1818	" "	January	6, 1904
" "	December	6, 1819	" "	January	3, 1906
" "	December	4, 1820	" "	January	1, 1908
" "	December		" "	January	5, 1910

*Reports of the Comptroller of
the Treasury*

Report for the year ending—

"	"	December	26, 1825	December	1, 1852
"	"	December	25, 1826	September	30, 1853
"	"	December	31, 1827	September	30, 1854
"	"	December	29, 1828	September	30, 1855
"	"	December	28, 1829	September	30, 1856
"	"	December	29, 1831	September	30, 1857
"	"	December	31, 1832	September	30, 1858
"	"	December	29, 1833	September	30, 1859
"	"	December	29, 1834	September	30, 1860
"	"	December	28, 1835	September	30, 1861
"	"	December	26, 1836	September	30, 1862
"	"	December	25, 1837	September	30, 1863
"	"	December	30, 1838	September	30, 1864
"	"	December	30, 1839	September	30, 1865
"	"	December	28, 1840	September	30, 1866
"	"	March	24, 1841	September	30, 1867
"	"	December	27, 1841	September	30, 1868
"	"	December	26, 1842	September	30, 1869
"	"	December	25, 1843	September	30, 1870
"	"	December	30, 1844	September	30, 1871
"	"	December	29, 1845	September	30, 1872
"	"	December	28, 1846	September	30, 1873
"	"	December	27, 1847	September	30, 1874
"	"	December	31, 1849	September	30, 1875
"	"	January	7, 1852	September	30, 1876
"	"	January	5, 1853	September	30, 1877
"	"	January	4, 1854	September	30, 1878
"	"	January	2, 1856	September	30, 1879
"	"	January	6, 1858	September	30, 1880
"	"	January	4, 1860	September	30, 1881
"	"	April	26, 1861	September	30, 1882
"	"	December	3, 1861	September	30, 1883
"	"	January	6, 1864	September	30, 1884
"	"	January	4, 1865	September	30, 1885
"	"	January	10, 1866	September	30, 1886
"	"	January	2, 1867	September	30, 1887

THE SALE OF LIQUOR IN THE SOUTH

TABLE VI—(Continued)

September 30, 1888	1886
September 30, 1889	1887
September 30, 1890	1888
September 30, 1891	1889
September 30, 1892	1890
September 30, 1893	1891
September 30, 1894	1892
September 30, 1895	1893
September 30, 1896	1894
September 30, 1897	1895
September 30, 1898	1896
September 30, 1899	1897
September 30, 1900	1898
September 30, 1901	1899
September 30, 1902	1900
September 30, 1903	1901
September 30, 1904	1902
September 30, 1905	1903
September 30, 1906	1904
September 30, 1907	1905
September 30, 1908	1906
September 30, 1909	1907
September 30, 1910	1908
September 30, 1911	1909

The Baltimore Sun Almanac

1884

1885

1910

1911

1912

MISSISSIPPI

SESSION LAWS		Session of November	
Session of December	1804	" "	1861
" " February 18,	1810	" " December	1862
" " November 5,	1810	" " November	1863
" " October	1817	" " March	1864
" " December	1824	" " August	1864
" " January 1,	1827	" " February	1865
" " January 7,	1828	" " October	1865
" " January 5,	1829	" " October	1866
" " January 4,	1830	" " January	1867
" " November 15,	1830	" " January 11,	1870
" " November 21,	1831	" " January 1,	1871
" " January 7,	1833	" " January 2,	1872
" " November 16,	1833	" " January 21,	1873
" " February	1836	" " January 20,	1874
" " April	1837	" " December	1874
" " January	1838	" " January 5,	1875
" " January 7,	1839	" " July 27,	1875
" " January	1840	" " January 4,	1876
" " January	1841	" " January 2,	1877
" " January	1842	" " January 8,	1878
" " January	1843	" " January 6,	1880
" " January	1844	" " January 3,	1882
" " January	1846	" " January 8,	1884
" " January	1848	" " January 5,	1886
" " January	1850	" " January 3,	1888
" " November	1850	" " January 7,	1890
" " January	1852	" " January 5,	1892
" " October	1852	" " January 2,	1894
" " January 2,	1854	" " January 7,	1896
" " January	1856	" " April 27,	1897
" " December	1856	" " January 4,	1898
" " November	1857	" " January 2,	1900
" " October	1858	" " January 7,	1902
" " November	1859	" " January 5,	1904
" " January	1860	" " January 2,	1906
" " January	1861	" " January 7,	1908
" " July	1861	" " January 4,	1910
		(1912)	

Reports of Auditor of Public Accounts

Report for the year ending—

December 31, 1872
December 31, 1873
December 31, 1874
December 31, 1875
December 31, 1876
December 31, 1877
December 31, 1878
December 31, 1879
December 31, 1880
December 31, 1881
December 31, 1882
December 31, 1883
December 31, 1884
December 31, 1885
December 31, 1886
December 31, 1887
December 31, 1888

December 31, 1889
December 31, 1890
December 31, 1891
December 31, 1892
September 30, 1893
September 30, 1894
September 30, 1895
September 30, 1896
September 30, 1897
September 30, 1898
September 30, 1899
September 30, 1900
September 30, 1901
September 30, 1902
September 30, 1903
September 30, 1904
September 30, 1905
September 30, 1906
September 30, 1907
September 30, 1908

NORTH CAROLINA

SESSION LAWS		Session of July	
Session of November	1821	" "	1, 1868
" " November 18,	1822	" "	November 16, 1868
" " November 17,	1823	" "	November 15, 1869
" " November 15,	1824	" "	November 16, 1870
" " November 21,	1825	" "	November 20, 1871
" " December 25,	1826	" "	November 18, 1872
" " November 19,	1827	" "	November 17, 1873
" " November 17,	1828	" "	November 16, 1874
" " November 16,	1829	" "	November 19, 1876
" " November 15,	1830	" "	January 8, 1879
" " November 21,	1831	" "	1879-80
" " November 19,	1832	" "	March 5, 1880
" " November 18,	1833	" "	January 5, 1881
" " November 17,	1834	" "	January 3, 1883
" " November 16,	1835	" "	January 7, 1885
" " November 21,	1836	" "	January 5, 1887
" " November 19,	1838	" "	January 9, 1889
" " November 16,	1840	" "	January 8, 1891
" " November 21,	1842	" "	1893
" " November 18,	1844	" "	1895
" " November 16,	1846	" "	1897
" " November 20,	1848	" "	1899
" " November 18,	1850	" "	1900
" " 1852		" "	January 9, 1901
" " 1854-55		" "	January 7, 1903
" " 1856-57		" "	January 4, 1905
" " 1858-59		" "	January 9, 1907
" " 1859		" "	January 21, 1908
" " 1860-61		" "	January 6, 1909
" " 1861		" "	January 4, 1911
Reports of the State Auditor			
Report for the year ending—			
" " July 18,	1863	" "	November 30, 1901
" " 1863		" "	November 30, 1902
" " 1864		" "	November 30, 1903
" " 1864-65		" "	November 30, 1904
" " 1865		" "	November 30, 1905
" " 1865-66		" "	November 30, 1906
" " 1866		" "	
" " 1866-67		" "	

Pocket Manual for North Carolina for 1911.

SOUTH CAROLINA

SESSION LAWS			
Session of December	1829	" "	December 1831
" " December	1830	" "	December 1832
		" "	December 1833

TABLES AND ILLUSTRATIONS

TABLE VI—(Continued)

Session of December 1834	Session of November 23, 1886	Session of October 2, 1865	(2 yrs.) October 1, 1869
" " December 1835	" " November 22, 1887	" " July 1866	" " June 30, 1871
" " December 1836	" " November 28, 1888	" " November 5, 1866	" " October 1, 1872
" " December 1837	" " November 26, 1889	" " October 7, 1867	(2 yrs.) October 1, 1874
" " December 1838	" " November 25, 1890	" " July 27, 1868	(2 yrs.) December 19, 1876
" " December 1839	" " November 24, 1891	" " October 9, 1868	December 19, 1877
" " December 1840	" " November 22, 1892	" " October 4, 1869	December 19, 1878
" " December 1841	" " November 28, 1893	" " May 9, 1870	December 19, 1879
" " December 1842	" " November 27, 1894	" " December 5, 1870	December 19, 1880
" " December 1843	" " January 14, 1896	" " October 1, 1871	December 19, 1881
" " December 1844	" " January 12, 1897	" " March 12, 1872	December 19, 1882
" " December 1845	" " January 11, 1898	" " January 4, 1873	December 19, 1883
" " December 1846	" " January 10, 1899	" " January 1875	December 19, 1884
" " December 1847	" " January 9, 1900	" " January 1877	December 19, 1885
" " December 1848	" " January 8, 1901	" " January 1879	December 19, 1886
" " December 1849	" " January 14, 1902	" " December 16, 1879	December 19, 1887
" " December 1850	" " January 13, 1903	" " January 1881	December 19, 1888
" " December 1851	" " January 12, 1904	" " December 7, 1881	December 19, 1889
" " December 1852	" " January 10, 1905	" " April 18, 1882	December 19, 1890
" " December 1853	" " January 9, 1906	" " January 1883	December 19, 1891
" " December 1854	" " January 8, 1907	" " January 1885	December 19, 1892
" " December 1855	" " January 14, 1908	" " May 25, 1885	December 19, 1893
" " December 1856	" " January 12, 1909	" " January 1887	December 19, 1894
" " December 1857	" " January 11, 1910	" " January 1889	December 19, 1895
" " December 1858	" " January 10, 1911	" " February 1890	December 19, 1896
" " December 1859	(1912)	" " January 1891	December 19, 1897
" " November 1860		" " August 31, 1891	December 19, 1898
" " December 1861	<i>Reports of the State Dispensary</i>	" " January 1893	December 19, 1899
" " December 1862	<i>to the Board of Control</i>	" " January 1895	December 19, 1900
" " February 1863	Report for 1893	" " January 1897	December 19, 1901
" " October 1863	" " 1894	" " January 1898	December 19, 1902
" " 1864-65	" " 1895	" " January 1899	December 19, 1903
" " 1866	" " 1896	" " January 1901	December 19, 1904
" " July 1868	" " 1897	" " January 1903	December 19, 1905
" " November 1868	" " 1898	" " January 1905	December 19, 1906
" " November 1869	" " 1899	" " January 1907	December 19, 1907
" " November 1870		" " January 1909	December 19, 1908
" " November 1871	<i>Reports of the State Dispensary</i>	" " February 1911	December 19, 1909
" " November 1872	<i>to the Board of Directors</i>		December 19, 1910
" " November 1873	Report for 1900	<i>Reports of Comptroller of the</i>	December 19, 1911
" " November 1874	" " 1901	<i>Treasury</i>	
" " November 1875	" " 1902	Report for the year ending—	
" " November 1876	" " 1903	October 1, 1867	
" " April 24, 1877	" " 1904		
" " November 1877	" " 1905		
" " November 26, 1878	" " 1906		
" " November 25, 1879			
" " November 23, 1880	<i>Reports of the Dispensary</i>		
" " November 22, 1881	<i>Auditor</i>		
" " November 28, 1882	Report for 1907		
" " June 27, 1882	" " 1908		
" " November 27, 1883	" " 1909		
" " November 25, 1884	" " 1910		
" " November 24, 1885	" " 1911		

TENNESSEE

Session of September 19, 1831	Session of October 4, 1847
" " September 1832	" " October 4, 1849
" " September 16, 1833	" " October 6, 1851
" " October 5, 1835	" " October 3, 1853
" " October 3, 1836	" " October 1, 1855
" " October 2, 1837	" " October 5, 1857
" " October 7, 1839	" " October 3, 1859
" " October 4, 1841	" " January 1861
" " October 5, 1842	" " April 1861
" " October 2, 1843	1861-62
" " October 6, 1845	1864-65
	" " April 3, 1865

TEXAS

Session of April 5, 1838	Session of November 21, 1860
" " January 1839	" " January 20, 1861
" " December 10, 1840	" " November 21, 1861
" " November 15, 1841	" " February 9, 1863
" " December 26, 1842	" " November 16, 1863
" " December 19, 1843	" " May 20, 1864
" " December 16, 1844	" " November 7, 1864
" " February 28, 1846	" " August 23, 1866
" " December 1847	" " May 13, 1870
" " November 20, 1849	" " January 20, 1871
" " August 1850	" " September 22, 1871
" " November 20, 1850	" " January 14, 1873
" " November 24, 1851	" " January 13, 1874
" " January 25, 1853	" " January 12, 1875
" " November 7, 1853	" " May 18, 1876
" " November 5, 1855	" " January 14, 1879
" " July 7, 1856	" " June 10, 1879
" " November 12, 1857	" " January 11, 1881
" " November 21, 1859	" " April 6, 1882
	" " January 9, 1883

Report of the Special Committee on Wholesale and Retail Liquor Dealers. T. J. Bonner, Chm., in *House Journal*, 1885, p. 729.

THE SALE OF LIQUOR IN THE SOUTH

TABLE VI—(Continued)

Session of January 8, 1884	Session of January 8, 1901	September 30, 1876	April 30, 1894
" " January 13, 1885	" " August 16, 1901	September 30, 1877	April 30, 1895
" " January 11, 1887	" " September 5, 1901	September 30, 1878	April 30, 1896 ¹
" " April 16, 1888	" " January 13, 1903	September 30, 1879	June 30, 1897
" " January 8, 1889	" " April 2, 1903	September 30, 1880	June 30, 1898
" " January 3, 1891	" " January 10, 1905	September 30, 1881	June 30, 1899
" " March 4, 1892	" " April 15, 1905	September 30, 1882	June 30, 1900
" " January 10, 1893	" " January 8, 1907	September 30, 1883	June 30, 1901
" " January 8, 1895	" " April 12, 1907	September 30, 1884	June 30, 1902
" " September 1, 1895	" " January 2, 1909	September 30, 1885	June 30, 1903
" " January 2, 1897	" " March 13, 1909	September 30, 1886	June 30, 1904
" " May 22, 1897	" " April 12, 1909	September 30, 1887	June 30, 1905
" " January 10, 1899	" " January 10, 1911	September 30, 1888	June 30, 1906
" " January 27, 1900		September 30, 1889	June 30, 1907
		September 30, 1890	June 30, 1908
		September 30, 1891	June 30, 1909
		April 30, 1892	June 30, 1910
		April 30, 1893	June 30, 1911

H. A. Ivy, *Rum on the Run in Texas*, a Brief History of Prohibition in the Lone Star State. Dallas, 1910.

VIRGINIA

SESSION LAWS	Session of	1870
Session of December 6, 1830	" "	1871
" " December 5, 1831	" "	1872
" " December 3, 1832	" "	1873
" " December 2, 1833	" "	1874
" " December 1, 1834	" "	1875
" " December 7, 1835	" "	1876
" " December 5, 1836	" "	1877
" " January 1, 1838	" "	1878
" " January 7, 1839	" "	1879-80
" " December 2, 1839	" "	1880
" " December 6, 1841	" "	1881-82
" " December 5, 1842	" "	1882
" " 1843	" "	1883-84
" " 1844	" "	1884
" " 1845	" "	1884-85
" " 1846	" "	1885-86
" " 1847	" "	1887
" " 1848	" "	1887-88
" " 1849	" "	1889-90
" " 1850	" "	1891-92
" " 1851	" "	1891-92
" " 1852	" "	1893-94
" " 1853	" "	1895-96
" " 1854	" "	1897-98
" " 1855	" "	1899
" " 1856	" "	1900
" " 1857	" "	1901
" " 1858	" "	1901-02
" " 1859	" "	1902-03
" " 1860	" "	1904
" " 1861	" "	1906
" " 1862	" "	1908
" " 1863	" " January 12, 1910	
" " 1864		
" " 1865	Reports of the Auditor of Public Accounts	
" " 1866	Report for the year ending—	
" " 1867	September 30, 1874	
" " 1868	September 30, 1875	
" " 1869		

WEST VIRGINIA

SESSION LAWS	Session of	1907
Session of July 1, 1861	" " June 1907	
" " December 2, 1861	" " January 1909	
" " May 6, 1862	" " January 1911	
" " December 4, 1862	" " May 16, 1911	
" " June 20, 1863		
" " January 19, 1864	Reports of Auditor of Public Accounts	
" " January 17, 1865	Report for the year ending—	
" " January 16, 1866	April 30, 1886	
" " January 15, 1867	June 30, 1888	
" " January 21, 1868	June 30, 1889	
" " June 2, 1868	June 30, 1890	
" " January 19, 1869	June 30, 1891	
" " January 18, 1870	June 30, 1892	
" " January 17, 1871	June 30, 1893	
" " January 16, 1872	June 30, 1894	
" " 1872-73	June 30, 1895	
" " January 13, 1875	June 30, 1896	
" " January 10, 1877	June 30, 1897	
" " January 8, 1879	June 30, 1898	
" " January 12, 1881	June 30, 1899	
" " January 11, 1882	June 30, 1900	
" " January 10, 1883	June 30, 1901	
" " January 14, 1885	June 30, 1902	
" " January 12, 1887	June 30, 1903	
" " January 9, 1889	June 30, 1904	
" " January 14, 1891	June 30, 1905	
" " January 11, 1893	June 30, 1906	
" " January 9, 1895	June 30, 1907	
" " January 13, 1897	June 30, 1908	
" " January 11, 1899	June 30, 1909	
" " January 9, 1901	June 30, 1910	
" " January 14, 1903	June 30, 1911	
" " January 26, 1904		
" " January 11, 1905		

¹ Table 30 omitted from the Report in 1896.

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